



INSPECTION PROCEDURES MANUAL

June 4, 2003

Regulating pesticides in California is a joint responsibility of the Director of the Department of Pesticide Regulation and county agricultural commissioners. Section 2281 of the Food and Agricultural Code provides that the Director of Pesticide Regulation is responsible for overall statewide enforcement and for issuing instructions and making recommendations to the commissioner. The commissioner is responsible for local administration of the program.

This Inspection Procedures Manual was issued by DPR Enforcement Branch to fulfill, in part, its statutory responsibility to assist in planning and developing county programs in areas including uniformity, training, and coordination. This manual establishes standards for county pesticide use and other related inspections. These standards were jointly developed by DPR Enforcement Branch and counties (represented by 12 “pilot” counties). Recommendations for additions, changes or deletions to this manual should be directed to the senior pesticide use specialist serving your county.

Chapter 1: General Inspection Procedures	6
Preparing for an Inspection	7
Choosing Your Inspections	8
General Requirements	10
Conducting the Inspection.....	13
Completing the Inspection Report.....	15
Requirements Section	24
Compliance Actions Section	27
Decontamination Facility.....	31
Violation Notice.....	33
“Remarks” Section	34
Chapter 2: Pesticide Pre-Application Site Inspection (PR-ENF-102).....	37
Criteria for Completed Inspections	38
Criteria Items	41
Chapter 3: Fieldworker Safety Inspection (PR-ENF-103)	43
General Scope	43
Determining a “Treated Field”	43
General Exemptions	44
Talking with Employer Representatives / Employees.....	44
Completing the Inspection Report.....	45
“Information” Block Specific to the FWS Inspection.....	45
Worker Protection Standard Elements.....	45
Notice of Application Within 1/4 Mile	45
Application Specific Information.....	46
Date of Application/REI Expired	47
Approximate Field Size / Number of Fieldworkers	47
Fieldworker Activity	47
Number of Fieldworkers Interviewed.....	48
Pesticide Name/Registration #/Signal Word/REI.....	48
Early Entry PPE Worn.....	48
Responsible Parties – Property Operator vs FLC	49
FWS Inspection Requirements	49
Items Specific to Property Operators.....	54
Decontamination Facility / Early Entry	56
Chapter 4: Pesticide Use Monitoring Inspections (PR ENF-104)	57
Purpose.....	57
Criteria for Completed Inspections	58

Application Inspection and Mix/Load Inspection	58
Procedures.....	58
Chapter 5: Commodity Fumigation Use Monitoring Inspection (PR-ENF-105).....	72
Purpose.....	72
Criteria Items	73
Chapter 6: Field Fumigation Use Monitoring Inspection (PR-ENF-106).....	84
Purpose.....	84
Procedures.....	84
Criteria Items	85
Chapter 7: Structural – Branch 1 Use Monitoring Inspection (PR-ENF-107).....	104
Purpose.....	104
Procedures.....	104
Criteria for Completed Inspections	105
Criteria Items	107
Tarp / Aeration Check.....	123
Purpose.....	123
Criteria Items	123
Chapter 8: Structural – Branch 2 & 3 Use Monitoring Inspection (PR-ENF-108)	124
Purpose.....	124
Procedures.....	124
Criteria Items	125
Chapter 9: Production Ag / Other / Dealer / PCA Pest Control Records Inspections (PR-ENF-109)	136
Headquarter and Employee Safety Inspections	136
Purpose.....	136
Criteria for Completed Inspections	136
Requirements	137
Hazard Communication / Pesticide Training Program.....	143
Respiratory Protection Program.....	148
Medical Supervision Program	149
Pesticide Storage	151
Dealer Records / Storage Inspection	154
Purpose.....	154
Criteria for Completed Inspections	154
Requirements	155
Pest Control Adviser Records Inspection	161
Purpose.....	161
Criteria for Completed Inspections	161
Requirements	162

Chapter 10: Pest Control Records Inspections – Agricultural / Structural Pest Control Business
(PR-ENF-110)..... 166

Headquarter and Employee Safety Inspections 166

Purpose..... 166

Criteria for Completed Inspections 166

Requirements 167

Hazard Communication / Training Program..... 169

Respiratory Protection Program..... 172

Medical Supervision Program 174

Pesticide Storage 176

Licensed Pest Control Business Records / Storage Inspection 179

Purpose..... 179

Pesticide Storage 179

Criteria for Completed Inspections 179

Requirements 180

Pesticide Storage 186

Appendices:

Appendix #1: Type of equipment used for an application

Appendix #2: Division of Labor Standards Enforcement Contacts

Appendix # 3: Methyl BromideFumigation Sign

Appendix #4: Tarp Removal/Aeration Plan

Appendix #5: Permissible Exposure Limits for Chemical Contaminants

Appendix # 6: Conducting Interviews

Chapter 1: General Inspection Procedures

Introduction	The inspection report must be a comprehensive account of the activity at the time of your inspection. Your observations, as documented in the inspection report, provide a picture of the inspected activity.
Purpose of inspections	FAC § 12844 states that one of the criteria to be used in allocating the funds from pesticide mill assessments funds is comprehensiveness, and effectiveness of the pest control inspections performed in each county. Inspections are conducted for the purpose of assessing and documenting whether or not a pesticide use activity is in compliance with all applicable pesticide laws and regulations. It is the most important tool we have in the pesticide use enforcement program to assure the safety of handlers, fieldworkers, the public, and the environment.
Acceptable as evidence in court	<p>An inspection report is acceptable evidence in a court of law or an administrative hearing. Make it as complete as possible so that any reader will understand what you observed and be able to assess your decisions. Most of the people who read your report are unfamiliar with the situation; document the report accordingly.</p> <p>In addition to being recognized as evidence, the inspection report also constitutes a record of what occurred during a specific time and is provided to the grower/applicator</p>
Writing the report	When noting violations, use the “Remarks” section to record your observations and all the facts relative to the violation. Detailed and complete information is essential for enforcement actions. Include corrective measures in the Remarks section. (i.e., “Employees must use a closed system when mixing/loading Category 1 liquid pesticides.”)
Inspection Report Supplemental Form	The Inspection Report Supplemental Form (PR-ENF-145) should be used to document your observations when the Remarks section does not provide adequate space. Number the pages of your inspection report even if it is only one page (i.e., “Page 1 of 4”). There is a space provided in the upper right corner of your inspection form for page numbers.

Preparing for an Inspection

Licensing

Only a county inspector holding either a Pesticide Regulation License, Investigation and Environmental Monitoring License, or is qualified to take either license exam *and* is working under the supervision of a county inspector that holds the license, can perform pesticide inspections.

County inspectors should be knowledgeable of:

- California pesticide laws, regulations, and policies;
 - County permit conditions; and
 - Local agricultural and structural industry practices.
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Reference manuals

Pesticide policies are documented in the Department of Pesticide Regulation's (DPR's) *Manual for Procedural Guidance for Pesticide Enforcement Personnel* (MPGPEP) and in Enforcement Letters. Biologists must review Enforcement Letters and have access to past Enforcement Letters and the MPGPEP. If any of these documents are unavailable in your office, contact your liaison senior. Recent Enforcement letters are available on the DPR website at: <http://www.cdpr.ca.gov/docs/enfcmpli/enfmenu.htm#ppr>

The following documents must be readily available on site when conducting an inspection:

- a) An Enforcement Manual – Food and Agricultural Code (FAC), Division 6 & 7; California Code of Regulations (CCR), Title 3, Division 6; and *Laws & Regulations relating to the Practice of Structural Pest Control*.
 - b) All relevant inspection forms including the Inspection Report Supplement form.
 - c) The Inspection Procedures Manual.
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Personal protective equipment

The inspector should have on site any personal protective equipment (PPE) necessary to prevent exposure to pesticides. For example, chemical-resistant gloves for handling opened containers to review labels.

Choosing Your Inspections

Prioritization of inspections

A County Agricultural Commissioner (CAC) pesticide regulatory inspection program must effectively address the hazards of pesticide use within its jurisdiction. In addition to monitoring production agriculture and structural businesses, this program should also include use of pesticides by government agencies and non-production agricultural pesticide use.

Inspection targeting strategies are documented in your county's Negotiated Work Plan (NWP). Your county NWP should address the inspection priorities for the county and the inspection strategies that staff will implement. All agricultural and structural pest control businesses and all persons/firms that use pesticides for the production of an agricultural commodity or that employ workers in treated fields should be inspected as frequently as is practical. The NWP should also address the strategy employed to inspect Pest Control Dealers and Pest Control Advisors.

Inspection strategies that achieve inspection quotas without addressing pesticide hazard priorities are ineffective and weaken the county's inspection program. Patterns of ineffective inspection targeting practices will be addressed in DPR's evaluation of the CAC program.

The prioritization of hazards should include the following factors:

- Pesticide toxicity and formulation.
- Restricted material status.
- Proximity to environmentally sensitive areas.
- Proximity to residences, schools, or other sensitive sites.
- Proximity to surrounding areas where workers may be present.
- The number of employees engaged in pesticide related activities.
- The type of application method (fumigations, aerial applications).

Prioritization of businesses to inspect should include the following factors:

- The number of handler and fieldworker employees.
- The frequency with which employees handle pesticides or work in treated fields.
- The level of exposure hazards the company's operations create for workers, the public, and the environment.
- The company's history of violations and/or history of pesticide episodes.

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Choosing Your Inspections, Continued

Examples: Ineffective inspection strategies

Examples of ineffective inspection strategies include:

- Frequent inspections of the same crew of a business when no non-compliances are documented.
 - Repetitive inspections of a facility, such as fumigation chambers, when no non-compliances are documented.
 - Infrequent or no inspections of businesses or industries with a history of non-compliances or episodes.
 - Documenting several inspections on different crews of the same company performing the same operation at the same location on the same day. In this circumstance, only one inspection that includes all crews should be conducted. Examples include various crews in a nursery or greenhouse, multiple harvesting crews at the same location and multiple applicators in the same field.
 - Numerous pre-application inspections on non-sensitive sites while sensitive sites are not inspected.
-

General Requirements

Evaluating CAC inspection reports

1. Complete inspections

DPR will use the Inspection Procedures Manual to evaluate CAC inspection reports .

A complete inspection is a single inspection report that is performed and documented in accordance with the Inspection Procedures Manual. Only complete inspections can be counted as inspections on the Pesticide Regulatory Activities Monthly Report (PRAMR).

Requirements Section

Inspections must address all applicable “REQUIREMENTS” in order to have a “complete” inspection that can be counted on the PRAMR. Each criteria must be documented as one of the following:

“YES” – the inspected activity was in compliance with the listed law or regulation.

“NO” – the inspected activity was not in compliance with the listed law or regulation.

“N/A” – the listed law or regulation was not applicable to the activity being inspected. Refer to the “Scope” section of the subject criteria listed in this manual to determine if a law or regulation is applicable to the activity being inspected.

Inspection Acknowledged By – Signature

The inspected person must be requested to sign the inspection form in the space provided. If appropriate, explain to the inspected person that the signature is not an admission of guilt. If the inspected person refuses to sign the form, print “Refused to Sign” in the “Inspection Acknowledged By” space. Print the name of the inspected person in the space provided. (See Application Policy below).

The Pesticide Pre-Application Site Inspection does not require a signature in the “Inspection Acknowledged By” space.

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General Requirements, Continued

1. Complete Inspections (continued)

Heading and Information sections

All Heading and information sections must be completed unless the specific form instructions allow for leaving a section blank. If the information is not available on site, it can be added later. This information must be completed prior to submission with the PRAMR and prior to providing a copy of the inspection that has non-compliances to the responsible person. If this information cannot be determined, explain in the space provided or in the Remarks section. (e.g. “TELEPHONE NUMBER” – “ Mr. Smith does not have a telephone.”) If the information is unknown, unavailable, not determined or not applicable document that appropriately in the space provided.

Adding Information to the Inspection “After the Fact” (or after the “Inspection Acknowledged By” Section has been Signed)

There are a number of items on each form such as an individual or business license number, permit/operator identification number, site identification number, mailing address, NOI submitted, etc. that may not be available to the inspector at the time of inspection. This information is still required by DPR, both for data entry and reporting purposes.

It is acceptable to add this type of information after the “Inspection Acknowledged By” has been signed. The information must be completed prior to submitting the inspection to DPR with the PRAMR. If non-compliances are noted the information must be completed prior to delivering a copy of the inspection to the responsible person.

2. Advance Notice

Inspections should not be conducted by appointment or with advance notice to the company being inspected, unless necessary for reasons of efficiency (i.e., Pest Control Records Inspections where it is necessary to have the owner or supervisor present or where entry to the use site is restricted).

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General Requirements, Continued

3. Compliance Assistance Inspections

Some counties conduct compliance assistance inspections. For example, a business will request that the CAC observe the business' operation and determine if the business is in compliance with all applicable pesticide laws and regulations. The CAC agrees not to take enforcement action against the business for non-compliances found.

The CAC may use an inspection as a checklist or for documentation purposes, but it must be clearly labeled as a compliance inspection. Print "compliance inspection" at the top of the inspection form. Leave the follow-up and complete/partial boxes blank. An inspection conducted in this manner would be considered invalid as an enforcement inspection and must not be counted as an inspection or inspection hours on the PRAMR. Time spent on compliance assistance inspections should be recorded under "Outreach" or "Other". Do not attach compliance assistance inspections to the PMAMR or send to DPR Headquarters. Non-compliances found in a compliance inspection will not be considered for reimbursement from the mill tax disbursement.

4. Legibility

The biologist should print all information and remarks on the inspection report. If you run out of space in the "Remarks" section, utilize the Inspection Report Supplement (PR-ENF-111) to continue. Do not print more than can be easily read in the "Remarks" section or print along the margins of the inspection report. Remember your inspection report may be read by outside groups; keep it legible and professional.

Inspection reports must be legible. If DPR staff is unable to enter the data from the inspection report due to illegibility, the inspection report may be returned to the county.

5. Label review and signature requirement for application inspections (Aerial)

Observations of an application cannot be counted as a complete inspection unless the label(s) used are reviewed and the applicator or a representative of the applicator, such as a flagger or spotter, is requested to sign the inspection report. This includes aerial applications.

If there are no labels or representatives on site, and the mix/load site is outside of the county, arrange with your supervisor to contact the CAC of that county to develop a procedure for visiting that mix/load site.

Time spent on observations of applications that do not include a label review or obtaining the signature of the inspected person may be counted under surveillance hours on the Pesticide Regulatory Activities Monthly Report.

Conducting the Inspection

1. Arriving at the inspection site

Upon arrival at the inspection site, introduce yourself to the person responsible for the operation and explain why you are there. Provide identification if requested. Wear the appropriate personal protective equipment and clothing to prevent exposure to pesticide residues. Interview the supervisor or crew leader, if available, as well as handlers or field workers to determine compliance with the “Requirements” as well as other laws and regulations that apply to the pesticide use activity.

2. Reviewing Labels and Collecting evidence

When conducting Use Monitoring inspections, always review the pesticide container labels on site and compare the label instructions with the activities observed. When necessary or appropriate, collect evidence (i.e., photographs, statements, copies of documents, tank mix, environmental samples) to support non-compliances you have noted. Use the “Remarks” section to document any evidence collected.

3. Talking to employees / employers

a) Importance of Bilingual Personnel

Many aspects of pesticide safety requirements, particularly WPS requirements, depend on employee behavior and their understanding of safety procedures and information. It is important for biologists to communicate effectively with employees when determining compliance with many of the inspection criteria. CACs are encouraged to utilize bilingual personnel effectively. CACs are also encouraged to explore available translation resources in their counties.

b) Conducting Interviews

Inspections should include interviews with the employer or the person in charge of the activity, and one or more handlers or workers. Document the number and type of persons interviewed in the appropriate space on the inspection form, use the “Remarks” section if necessary.

Interviews with handlers and workers should be conducted separately from employer interviews, ideally away from any management personnel. If necessary, try to arrange to have an interpreter available to conduct employee interviews. Use of an interpreter employed by the company being inspected should be utilized only as a last resort.

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Conducting the Inspection, Continued

3. Talking to employees / employers (continued)

When an inspection is conducted and you are unable to interview either handler or worker employees, you must provide a brief explanation in the “Remarks” section as to why you were unable to conduct these interviews.

If you were unable to conduct employee interviews due to a language barrier, you must describe the steps you took to address that situation. Example:

No worker interviews were conducted because they did not speak English and no CAC bilingual biologists were available. I tried to locate an interpreter, but was unsuccessful.

Other reasons for not conducting an interview could include:

- No employees are employed at the time of the inspection.
- Employer does not consent to allow employees to be interviewed.
- Employee does not consent to be interviewed for personal reasons (i.e., fear of retaliation).

Interviews should include questions about the basic operation of the business such as identifying problems with employee refusal, past exposures and notification. Interviews should also include questions about compliance with specific inspection criteria. See Appendix # 6 for more instructions and information on conducting interviews.

Completing the Inspection Report

1. General information

All spaces must be filled out appropriately. If the information is unavailable or unknown, write unknown in the space and explain in the “Remarks” section. Information that is not available on site but is available at the office may be added when you return to the office.

When non-compliances are noted on an inspection report, provide the responsible person with a copy of the inspection report after you have completed adding this information. Document the information accurately.

The following instructions are for sections found on most or all inspection forms. Refer to specific inspection form instructions for additional directions in properly completing the form.

2. Header Section

a) Follow Up Inspection and Complete/Partial – Check Boxes

Follow-up inspections must be documented on a separate inspection form. Whenever you perform a follow-up inspection check the “YES” box and record the serial number from the original inspection report on all other related follow-up inspections. Follow-up inspections do not need to be the same type of inspection as the original inspection that found a non-compliance. Also you may do more than one type of inspection as a follow-up to an inspection with a non-compliance. Examples:

- A Headquarter / Employee Safety Inspection is conducted to document training, medical supervision programs, storage of safety equipment, etc. as a follow-up to a non-compliance noted on a Pesticide Use Monitoring Inspection.
- A Pesticide Use Monitoring Inspection and a Headquarter / Employee Safety Inspection are performed as follow-up inspections to a non-compliance documented on a Pesticide Use Monitoring Inspection.

Check the “NO” box if you are not performing a follow-up inspection.

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Completing the Inspection Report, Continued

2. Header Section (continued)

Check the “Complete” or “Partial” box based on the following:

Complete

Check the “Complete” box if you are documenting a complete original inspection or if you are documenting a follow-up inspection that is a complete inspection that will be counted on the PRAMR. Follow-up inspections are considered “complete” inspections if they are conducted in accordance with the Inspection Procedure Manual and compliance with all applicable criteria for the given inspection are determined. If the inspection is not a complete inspection leave this box blank.

Partial

Check the “Partial” box if the inspection is not a complete inspection. If you are using the inspection form for purposes other than performing a complete enforcement inspection (i.e., documenting a violation or performing a limited follow-up inspection) check the “PARTIAL” box. Partial inspections typically note only one to a few criteria items, such as spot checking training records for a certain person(s); checking that signs, training forms, or other items have been brought into compliance; verifying that equipment has been repaired or personal protective equipment is now available. If you are performing a complete inspection leave this box blank.

b) Inspecting County

Print the name of the county you work for. Do not abbreviate or use county code numbers.

3. Information section

This information generally applies to each form. There are some sections unique to certain forms; refer to the section of the procedures manual for that particular inspection form for more specific instructions. Items are not necessarily listed in the order they appear on each inspection form.

3. Information section
(continued)

a) Person Inspected

Print the name of the person on site that you are inspecting. If there are several people engaged in the activity being inspected, print the name of the person on site who possesses a license/certificate or is the person in charge.

If no one on site is in charge, print the name of the person with whom you have the most contact regarding your observations and any interviews with employees or employer representatives.

b) Individual License Number

Check the applicable box for the type of license held by the individual you listed as the “person inspected” and record their license/certificate number. If an individual license or certificate is not necessary for the pesticide activity observed, indicate “N/R” (not required). If the individual is operating as a commercial or private applicator without the required license, indicate “UNL” (unlicensed).

License Codes:

QAL – Qualified Applicator License	JP – Journeyman Pilot
QAC – Qualified Applicator Certificate	OPR – Structural Operator
PAC – Private Applicator Certificate	FR – Field Representative
PCA – Pest Control Adviser	N/R – Not required
AP – Apprentice Pilot	UNL – Unlicensed

c) Firm Inspected

“Firm” includes such entities as a business, grower, government agency, school, etc. Be sure to print the business name as it is shown on the license. If the firm inspected is the same name as “Person Inspected,” you may print “Same.”

d) Business Type / Prod Ag or Other / Permit or Operator ID Number / Business License Number

Business Type

Indicate the “Business Type” by checking the applicable box. If the firm is operating legally without a license or permit, check “N/R” (not required). Check “N/L” (not licensed) if the firm is not licensed and performing an activity that requires a license or permit.

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Completing the Inspection Report, Continued

3. Information section (continued)

Property Operator - a category used to capture those entities that do NOT apply pesticides as a pest control business such as growers, government agencies, schools, etc.

Pest Control Business (PCB) – a category for firms operating as a pest control business (other than structural). DPR issues this business license.

Maintenance Gardener – a subcategory of PCB; for businesses which apply pesticides incidental to landscape maintenance.

Structural Pest Control Business (PCB) – a category for businesses that apply pesticides in structures. The Department of Consumer Affairs, Structural Pest Control Board issues this business license.

Prod Ag or Other

Check the Prod Ag box if inspecting a production agriculture activity, otherwise check Other. Production agriculture is pesticide use for the production of an agricultural commodity. (See definition of agricultural commodity in 3CCR section 6000.)

Permit / Operator ID Number

If you checked the Property Operator box, either list the permit or operator i.d. number or check “not required” (N/R) or “unlicensed” (UNL) box.

NOTE: If the Property Operator has a permit, but the pesticide(s) being used does not require a permit, list the permit number and check “N/R”.

Examples for N/R: If the firm/person applying the pesticide does not have a permit or i.d. number and the pesticide(s) being used do not require a permit or operator i.d. number, check the N/R box. If the pesticide(s) being used is not restricted and the setting is non-agricultural and an operator identification number is not required; check the “N/R” box.

Examples for UNL: If the pesticide(s) being used is either a restricted use pesticide requiring a permit, but the property operator does not possess a restricted materials permit for the pesticide(s) or for the location (site id, if applicable), then check the “UNL” box.

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Completing the Inspection Report, Continued

3. Information section (continued)

Business License Number

List the entire business license number for the business type that you checked. Whenever possible, include the full number issued to branch offices (PCBs, and MGBs). For example, ABC Company has a main (or principal) office and 3 branch locations. The main office license number would be 5 digits (00001) and the branch office numbers include the main number plus a 4-digit extension (00001-0001).

e) Firm Mailing Address

List the entire address (including city and zip code). If more space is needed, use the “Remarks” section.

f) Property Operator

Print the name of the person that owns or is legally entitled to possess or use the property where the inspected activity occurs. If the name is the same as “Firm Inspected” you may print “Same.”

g) Property Location/Site ID

Print the physical location (i.e., address, cross streets, canal/gate, or other standardized location references, such as the Thomas Guide’s *Street Guides*). If a production agriculture site, include the site identification number.

h) Telephone Number

Print the telephone number, including area code, of the person or firm responsible for the inspected activity.

i) Commodity/Site

Print the name of the commodity or site being treated. Verify that the commodity or site is listed on the label. If the label listing is a general term (i.e., cole crops), print the specific commodity (i.e., broccoli).

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Completing the Inspection Report, Continued

3. Information section (continued)

j) **Wind Velocity and Direction** (on applicable forms)

Determine the wind velocity, preferably with an instrument such as a wind gauge or anemometer, and record on the line provided. Determine wind direction, preferably with an instrument, such as a compass, and record in the manner indicated. Example: “East to West” or “SW to NE.”

k) **Method of Application** (on applicable forms)

Check the appropriate box indicating the method the pesticide(s) was applied:
Aerial – applications by fixed-wing aircraft or helicopter.

Ground – applications made by machinery, such as a tractor, granular spreader, etc.

Hand held – applications made by an individual with hand held equipment, such as backpack sprayer; hand held spray or granular container; hand held spray gun or wand connected by hose to a spray tank; hand application of vertebrate pest control baits, aluminum phosphide tablets, etc.

Chemigation – applications in which pesticides are applied via irrigation systems, such as sprinkler irrigation, drip irrigation, or furrow irrigation.

Other – applications such as dipping, drenching, aerosol misting (typically in greenhouses), etc.

l) **Adjacent Environment** (on applicable forms)

Print the type of site that is on each side of the treated area. If a road is adjacent to the treated area, Do not print only “road.” Example: If a road separated the treated area from a cotton field or a residence, the more appropriate designation would be “road/cotton” or “road/residential.”

m) **Supervisor Interviewed** (on applicable forms)

Print the name of the person supervising or the foreman overseeing the pesticide use or field work activity. Indicate whether or not you spoke to the supervisor during the inspection by checking the appropriate “YES” or “NO” box.

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Completing the Inspection Report, Continued

4. Handler / Activity / PPE Worn Section

a) Handler(s) Name / # Interviewed (on applicable forms)

Print the name(s) of the handler(s) involved in the pesticide use activity; use the “Remarks” section or the Inspection Report Supplement if more space is needed. Document the number of handlers you spoke with (interviewed) during the inspection.

b) Activity

Document each handler’s activity (i.e., applicator, mixer/loader, hose puller) alongside each listed person’s name. Use the “Remarks” section or the Inspection Report Supplement if more space is needed.

c) Personal Protective Equipment (PPE) Worn

Document PPE worn by each person listed under “Handler’s Name” as you observed it upon arriving on site. Use the “Remarks” section or the Inspection Report Supplement if more space is needed.

Use the “Remarks” section to record personal protective equipment NOT WORN as required by label or regulation (in the “REQUIREMENTS” section under “Compliance;” check “NO” for FAC section 12973 and/or 3CCR section 6738, as applicable).

If required PPE was put on after your arrival, you would note the specifics in the “Remarks” section or the Inspection Report Supplement. Example: “rubber gloves put on at inspector’s request”. In the “REQUIREMENTS” section under “Compliance” check “NO” for FAC section 12973 and/or 3CCR section 6738, as applicable.

d) Equipment Used (on applicable forms)

Document the type of equipment used in the application and/or the mix/load operation. For examples see *Appendix# 1*

Continued on next page

Completing the Inspection Report, Continued

5. Pesticide Name /

Registration # / Rate Section

a) Pesticide Name / Manufacturer

Print the entire pesticide product name (trade name) and the manufacturer's or registrant's name from the product container label in the space provided.

Example: Di-Syston 15G / Bayer; Tri-Con 57/43 / Tri-Cal.

b) Label Registration Number

Document the U.S. EPA or California registration number from the product container label. If the actual container is not available on site (for example it's at the mix/load site, not the application site) and you obtain the registration number from a specimen label or work order, note that in the "Remarks" section or on the Inspection Report Supplement.

c) Signal Word

Record the signal word from the product container label. If the actual container is not available on site (for example, it's at the mix/load site, not the application site) and you obtain the registration number from a specimen label or work order, note that in the "Remarks" section or on the Inspection Report Supplement.

d) Formulation (abbreviated as Form on applicable forms)

Document the pesticide formulation as listed on the product container label, such as WP, SP, DF. Not all labels actually include the formulation type in the pesticide product name (for example, emulsifiable concentrate or EC). If you can not determine the formulation from the label, work order, handler or mixer/loader, then indicate "Unknown" in this section.

Continued on next page

Completing the Inspection Report, Continued

**5. Pesticide
Name /**

**Registration # /
Rate Section
(continued)**

e) Rate / Dilution (on applicable forms)

Document the rate, such as lbs./acre, oz./1000 square feet, % solution from interviewing the applicator or reviewing the work order, pest control recommendation, or notice of intent.

List the dilution from interviewing the applicator or reviewing the work order, pest control recommendation, or notice of intent. Some products are not diluted, but come as “Ready to Use” or “RTU.”

Requirements Section

1. Requirements Section

a) Counting Inspections on the PRAMR (Report 5)

In order for an inspection to count on the Pesticide Regulatory Activities Monthly Report, each requirement criteria item must be checked.

The “REQUIREMENTS” section of the various inspection forms list criteria that most commonly apply to operations for the type of inspection being conducted.

b) Unlisted Criteria Items

If you wish to address a law, regulation, or county requirement not listed on the inspection form, then use the blank line(s) provided after the last criteria item and before the “Total” to write a brief description for the law, regulation, or county requirement and the appropriate section number. Use the “Remarks” section or the Inspection Report Supplement if more space is needed.

c) Intentionally “Unchecked” Criteria Items

There may be occasions in which you intentionally do not mark one of the compliance choices for a particular requirement criteria item(s) at the time of an inspection because the information is not readily available, such as verifying whether handlers have been trained or an NOI submitted.

In some cases, verifying the information may be difficult because the information is located in another county. In those cases, contact your supervisor. Your supervisor may consult with the CAC of that county to determine how best to proceed.

All requirements must be checked in order to be counted as a complete inspection.

2. Compliance Section

a) Column Headings

The compliance section has three columns labeled “YES,” “NO,” or “N/A” (not applicable). Shaded boxes indicate unacceptable, illogical, or invalid observations.

Continued on next page

Requirements Section, Continued

2. Compliance Section (continued)

b) Shaded Boxes

Do not check shaded boxes. If a situation arises in which the shaded box would be an appropriate choice, record the requirement criteria item number and your specific comments in the “Remarks” section or the Inspection Report Supplement.

c) Determining “Compliance” Status

Compliance status must be based on the initial observations or findings of the inspector. Record the PPE worn by handlers upon the inspector’s arrival on site or made by the inspector remotely (i.e. with binoculars) prior to arriving on site. Thus, failure of a handler to wear gloves or eye protection during a mix/load would be checked “NO” on the inspection form even if later during the inspection they don the appropriate equipment.

There may be times when an aspect of the activity is not observed. Example: An inspector arrives on site in time to witness a pesticide being loaded and agitated, however, the inspector wasn’t able to see if a measuring device was properly used.

In this case, the inspector would make observations, such as looking for the presence of a measuring device and noting its condition, and asking the mixer/loader questions, such as whether a measuring device was used and how. Based on the observations and responses, the inspector would mark the Compliance column either “YES” or “NO.” The inspector should provide an explanation of how the compliance status of that criterion was determined in the “Remarks” section.

d) Appropriate Use of “Not Applicable” (N/A)

“N/A” should be used only to document that the law or regulation is not applicable to the activity or operation being inspected.

Example: An employee handler is using a pesticide that has a label that does not require eye protection, yet he has an emergency eyewash bottle on his belt.

Continued on next page

Requirements Section, Continued

2. Compliance Section (continued)(con tinued)

A common error made by inspectors is to record a “YES” in the Compliance column although the requirement does not apply. In this case, the inspector should record, “Eyewash Immediately Available” as “N/A” and note in the “Remarks” section that the handler did have emergency eyewash available. If you are unsure if a regulation is applicable review the “Scope” of the regulation in this manual.

Compliance Actions Section

Compliance Actions Section

a) Follow-up Required

Any time a non-compliance(s) is noted on an inspection form and it is not corrected during the inspection, a follow-up inspection is required. You should check “YES” in the “Follow-up Required” box. If for any reason a follow-up inspection cannot be performed, check “YES” in the “Follow-up Required” box and explain in the “Remarks” section why the follow-up inspection could not be performed.

Examples:

- This field labor contractor is leaving the county tomorrow and will not return until next year.
- There are no more applications planned until next season.

Follow-up inspections must be documented on a separate inspection form. Record the serial number of the original inspection form on the specified line at the top of the follow-up inspection form.

b) Cease and Desist Orders, FAC Sections 11897 and 13102

Check the Cease and Desist boxes appropriately. If you do not use a Cease and Desist order to stop the activity being inspected check the “NO” box.

FAC Sections 11897 and 13102 provides the CAC with the authority to stop any pesticide-related activity that creates an “immediate or imminent hazard.”

If an inspected pesticide-related activity is stopped using a Cease and Desist order, the inspector should circle the appropriate section number, check the “YES” box, and explain the reason(s) for the Cease and Desist Order and the conditions for resuming operation in the “Remarks” section.

Continued on next page

Compliance Actions Section, Continued

Compliance Actions Section (continued)

Cease and Desist Orders may be appealed to the director, thus DPR requests that any Cease and Desist Order be documented fully in the “Remarks” section of the inspection form and separately on either a Violation Notice (VN) or in a letter on CAC letterhead.

c) Stop Work Orders, FAC Section 11737

Check the appropriate Stop Work Order box. If you do not use a Stop Work Order to stop the activity being inspected check the “NO” box.

FAC Section 11737 provides the CAC the authority stop operation of any equipment or facility that is unsuitable. (See chart below for specifics and exemptions.)

If an inspected pesticide-related activity is stopped, the inspector should check the “YES” box and explain the reason(s) for the Stop Work Order and the conditions for resuming operation in the “Remarks” section.

Continued on next page

Compliance Actions Section, Continued

Compliance Actions Section (continued)

The commissioner and county counsel should provide CAC staff with direction on the use of Cease and Desist Order and Stop Work Orders.

The following chart provides information on FAC Sections 11897, 13102, and 11737:

Section	Name	Appeal Process	Action	Does Not Apply To:	Comment
FAC 11897 (Applies to Division 6 CFAC sections 11401 - 12408) and related regulations	Cease and Desist Order	Yes To DPR Director	Used to stop licensee actions that are creating an immediate hazard	Non licensee operations	Need to document on a Violation Notice or in a letter Describe the immediate or imminent hazard
FAC 13102 (Applies to Division 7 CFAC sections 12500 - 15340) and related regulations	Cease and Desist Order	Yes To DPR Director	Used to stop licensee and non-licensee actions that are creating an immediate hazard		Need to document on a Violation Notice or in a letter Describe the immediate or imminent hazard
FAC 11737	Stop Work Order	No, but if Stop Work Order is violated, CAC can bring an action in Superior Court	Used to order any person to cease operation of any equipment or facility which is unsuitable or being operated: <ul style="list-style-type: none"> • By an incompetent or unqualified person • In violation of laws/ regs • In a manner that interferes with proper control of target pest • In a manner that may cause illness, injury, or adverse effects to people/ animals or crop damage 	<ul style="list-style-type: none"> • Structural pest control • Incidental Seed Treatment • Live capture/ removal/ exclusion of bees, wasps, vertebrates • Household/ Industrial Sanitation • Preservative treatments of fabrics or structural materials 	Document reason(s) for issuing the Stop Work Order in "Remarks" section May also issue a Violation Notice or letter

Continued on next page

Compliance Actions Section, Continued

**Compliance
Actions Section**
(continued)

d) Correct Non-compliances By:

If no non-compliances are noted, print “N/A.”

Complete this box appropriately. Do not indicate or imply that the business can continue to operate in violation. A date listed in this section represents the date the non-compliance(s) must be corrected by, not the date of the follow-up inspection.

Safety Hazard – If the non-compliance(s) represents a potential safety hazard, use wording such as “immediately,” “prior to the next application,” or similar wording for the responsible party to have the problem corrected.

Decontamination Facility

Decontamination Facility

Check either the “YES” , “NO” or “N/A” box to indicate compliance with each of the following below:

a) Decontamination Facility Within ¼-Mile

Make your determination about the distance for decontamination sites for employees handling pesticides in commercial or research production agriculture based upon your odometer reading, measuring wheel, or other measuring device.

The “N/A” box (on certain inspection forms) may be checked in those instances in which the setting is not production agriculture, since the ¼-mile requirement does not apply. In a setting that is not production agriculture and the decontamination facility is not within 100 feet of the mix/load site, note that in the “Remarks” section.

b) Sufficient Water Available

Determine if the decontamination facility has sufficient water available. If you check “NO,” provide an explanation in the “Remarks” section. Address the amount of water available for both routine washing of hands and face and for emergency eye flushing/washing, to the number of employees using the decontamination site. Support your determination.

c) Sufficient Soap Available

Determine if the decontamination facility has sufficient soap available. If you check “NO,” provide an explanation in the “Remarks” section. Address the amount of soap available to the number of employees using the decontamination site. Support your determination.

Continued on next page

Decontamination Facility, Continued

Decontamination Facility
(continued)

d) Sufficient Single Use Towels

Determine if the decontamination facility has sufficient towels available. If you check “NO,” provide an explanation in the “Remarks” section. Address the amount of single-use towels available to the number of employees using the decontamination site. Support your determination.

e) Extra Coveralls

One clean change of coveralls is to be available at each handler decontamination site. Check the appropriate “YES” or “NO” box.

Violation Notice

Violation Notice

If a Violation Notice (VN) is not written, check the “NO” box. If a VN is written for a non-compliance(s) found during the inspection, check the “YES” box.

b) Violation Notice Number

The inspector may assign the Violation Notice number according to his/her county procedures.

c) Two (2) “Violation Notice” Sections

These are included on the Pesticide and Commodity Fumigation Use Monitoring Inspection forms, and both Structural Use Monitoring Inspection forms. This will accommodate the request by some counties that the same inspection form can serve as a Violation Notice issued to the licensee, as well as a Violation Notice issued to the employer.

Note: If both Violation Notice sections are used, indicate which Violation Notice number goes to which party, “Person Inspected” or “Firm Inspected.”

“Remarks” Section

“Remarks” Section

The following section provides information regarding the “Remarks” Section.

a) Utilizing the “Remarks” Section

Use the “Remarks” section to carry over information from other places on the inspection form to describe any condition or situation you deem relevant, or to further explain non-compliances noted on the inspection.

b) Providing Adequate Explanation(s)

Whenever non-compliances are noted, they must be adequately described or explained in this section. The exact nature of the non-compliance must be described. Examples:

Adequate – “Joe Smith was observed mixing and loading Bravo. He was not wearing a dust/mist-filtering respirator as required by the label. No respirators were available on site.”

Inadequate – “One of the mixers/loaders was not wearing all label-required PPE.”

Continued on next page

“Remarks” Section, Continued

Acknowledge- ment Section

a) Inspector – Name / Signature

Print your name legibly; if more than one CAC inspector participated in the inspection, you may include both names and signatures in the appropriate blocks.

b) Inspection Acknowledged By

Have the person at the inspection site sign the form to acknowledge it, whether or not non-compliances were found. This identifies the person who was inspected for the employer=s information and provides evidence that you conducted the inspection.

Indicate the status of the person signing the inspection form by checking either the “Employee” or the “Owner” box.

Check that the inspected person’s printed name is legible. The inspected person must be requested to sign the inspection form in the space provided. If appropriate, explain to the inspected person that his/her signature is not an admission of guilt. If the inspected person refuses to sign the form, print the inspected person’s name in the space provided and write “Refused to Sign” in the Signature block.

If you are unable to get the person to sign for any other reason explain in this space or in the “Remarks” section. Print the name of the inspected person in the space provided.

The signature of the inspected person is NOT required for Pre-Application inspections.

c) Time and Date Inspected

Make sure to note date of inspection and the time the inspection was signed by you. Use month/day/year notation for the date. Example - March 5, 2003 would read 03/05/03. Use military time notation. Example - 1:30 p.m. would read 1330, 8:00 a.m. would read 0800.

d) Date Acknowledged

Print the date the acknowledgement signature was obtained.

Continued on next page

“Remarks” Section, Continued

Notification of the responsible person

You must notify the “responsible person” of any non-compliance(s) found during an inspection. When the responsible person is not at the inspection site, mail, fax, or deliver a copy of the inspection form to the person or firm.

When you provide a copy of the inspection form to the responsible person, provide him/her with a copy of the DPR outreach document, *Pesticide Safety: It’s The Law*. If your county has another outreach document that targets violators and provides them with information regarding their liability to civil penalties, it can be substituted for the DPR outreach document.

Follow-up Inspections

A follow-up inspection must be made when a non-compliance is noted and not corrected during the inspection. Follow-up inspections are performed to verify that non-compliances are corrected and that businesses do not continue to operate in an unsafe manner. A compliance action (i.e. Violation Notice, warning letter, office interview) or enforcement action does not constitute a follow-up. Make it clear to the responsible person that a follow-up inspection will be made.

A follow-up inspection may be a repeated inspection of the same type, a subsequent inspection of a different type or a combination of inspections. Example: A non-compliance based on poorly maintained PPE noted during a Pesticide Use Monitoring Inspection may indicate the need to conduct a Headquarter and Employee Safety Inspection to determine cleaning, maintenance and storage practices.

You may count your follow-up inspection as a complete inspection only if it meets the requirements of a new complete inspection and the inspection is performed on a new activity. If you perform a complete inspection at this time determine compliance with all applicable sections. If you only inspect the requirements that were in non-compliance document the inspection as a partial inspection.

Enforcement Action

When a violation is recorded on an inspection the compliance history of the business inspected must be reviewed. The Enforcement Guidelines determine if an enforcement action or decision report is required based on the type of violation found and the compliance history of the business.

Chapter 2: Pesticide Pre-Application Site Inspection (PR-ENF-102)

Introduction	<p>A Pre-Application Site Inspection is an evaluation of an intended application of a pesticide. Most Pre-Application Inspections are performed on proposed applications that require a Restricted Materials Permit. Restricted Materials Permit applications are subject to many of the requirements of the California Environmental Quality Act, also known as CEQA.</p>
Monitoring requirement	<p>Title 3, California Code of Regulations (3CCR) §6436 Permit Monitoring, requires monitoring of 5% of the “sites identified in permits or in notices of intent to apply a pesticide for an agricultural use.”</p>
Site selection	<p>Choose the sites to be evaluated based on the toxicity of the pesticide, the proximity of sensitive areas, the potential for adverse effects, and the individual’s noncompliance record. A site evaluation and a written recommendation review are conducted to assess the situation prior to application. It gives you the opportunity to mitigate any possible hazards by conditioning or denying the Notice of Intent (NOI) or modifying the Restricted Materials Permit.</p> <p>County agricultural commissioners are responsible for knowing local conditions and sensitive areas that may be adversely impacted by pesticide applications. Have you considered nearby dwellings (homes, labor camps), buildings, recreational areas, meteorological conditions, susceptible crops, schools, location and proximity of bees, animals (livestock, pets), endangered or threatened species, and any other sensitive areas?</p>
Conducting the inspection	<p>When conducting a Pre-Application Site Inspection, your duty is to assess compliance, record your observations, and determine if the site matches the description in the Restricted Material Permit and the Notice of Intent (NOI), and if the proposed application can be made safely. If you determine that the site or other characteristic of the proposed application differs significantly from the permit or NOI, the application should be denied or modified to address any hazards and to comply with all relevant pesticide laws and regulations.</p>

Criteria for Completed Inspections

For the purpose of reporting your Pre-Application Site Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099):

- A completed Pre-Application Site Inspection includes all applicable criteria items listed in the “Requirements” section, as well as a completion of all other fields on the form.

**Information/
Header Spaces**

Provide all of the information requested at the top of the form. If some of the information is not available on site, you can add it later. If certain information is unknown, unavailable or not applicable indicate this by printing an appropriate designation in the space provided. The information must be completed prior to submitting the inspection on the Pesticide Regulatory Activities Monthly Report. An acknowledged by signature is not required for a Pre-Application inspection.

**Property
Operator
Inspected**

Print the name of the person that owns or is legally entitled to possess or use the property where the proposed application is to occur. The laws and regulations listed in the Requirements section apply to the property operator even if the proposed application is to be performed by a pest control business (PCB) and the NOI was submitted by a PCB.

**Mailing
Address**

Print the mailing address of the property operator.

**Property
Location**

Print the physical location (i.e., address, cross-streets, or other standardized location references such as canal/gate) where the proposed application is to occur.

**Permit/
Operator I.D.
Number**

Print the permit number or the operator I.D. number. Although most Pre-Application inspections are performed on proposed applications of restricted materials, the operator I.D. designation was added to allow CACs additional flexibility with their Pre-Application inspection program.

**Pest Control
Business**

If the proposed application is to be performed by a PCB, print the name of the PCB. If the proposed application is to be performed by the grower, print "N/A." If a NOI is denied, you should inform the PCB as well as the property operator.

Continued on next page

Written Recommendation Requested/Provided. FAC §12004	The PCA or pest control operator upon request shall immediately furnish a copy of the written recommendation to the CAC. Indicate in the boxes provided whether the recommendation for the subject application has been requested by the CAC and if it has been provided.
Written Recommendation Reviewed. 3CCR §6436	If a recommendation has been made on the intended application of a state restricted material you are inspecting, you must review the written recommendation as part of your pre-application inspection. If you review the recommendation check the “YES” box. If you do not review the recommendation, check the “NO” box. If no recommendation has been made for the intended application, check the “N/A” box.
Is the Written Recommendation Complete?	<p>If you review the recommendation for the proposed application, does the recommendation comply with the requirements of FAC §12003 and 3CCR §6556? Is it complete and accurate? Have label warnings and potential hazards been addressed? Are aerial hazards identified? Pest control advisers are required to put all recommendations in writing and provide copies to the operator of the property, the applicator, and the dealer.</p> <p>If the recommendation is complete, check the “YES” box. If it is not complete, check the “NO” box and record in the “Remarks” section the nature of the non-compliance and if an adviser audit is indicated. If you have not reviewed a recommendation, check the “N/A” box.</p>
PCA Recommendation Number	If the recommendation you review has a number, print it in the space provided. If the recommendation does not have a number or if you have not reviewed a recommendation, print “N/A.”
PCA Registered in County	If a Pest Control Advisor wrote the recommendation you review, indicate whether the advisor is registered in your county by checking the appropriate box. If the recommendation you review was not written by a Pest Control Advisor or if you did not review a recommendation, print “N/A.”
PCA Name	If a Pest Control Advisor wrote the recommendation you review, print the advisor’s name in the space provided. If the recommendation you review was not written by a Pest Control Advisor or if you did not review a recommendation, print “N/A.”

PCA License Number	If a Pest Control Advisor wrote the recommendation you review, print the advisor's license number in the space provided. If the recommendation you review was not written by a Pest Control Advisor or if you did not review a recommendation, print "N/A."
PCA Employer	If a Pest Control Advisor wrote the recommendation you review, print the name of the advisor's employer in the space provided. If the advisor is self-employed, print "Same." If the recommendation you review was not written by a Pest Control Advisor or if you did not review a recommendation, print "N/A."
Outline Map of Treated Area	Use the outline map to show the surrounding environment. Print the type of site that is on each side of the field in the space provided on the map outline. Do not print only "road" if roads border the field. The more appropriate designation would be "road/ cotton" or "road/ residential."
Environmental Hazards	Print a list or description of any environmental hazards you observe at the application site. If there are no environmental hazards at the site print "none."
Pesticide Name/ Manufacturer	Print the name and registrant (if known) of the pesticide in the space provided. If provided on the NOI document, include the U.S. EPA registration number(s) and signal word(s). If known, document the formulation type (i.e., wettable powder, liquid, granular). Document the rate (i.e., pounds/acre) and dilution (i.e., gallons of mix/acre) from the Notice of Intent.
Signatures and Distribution	<p>Complete the pre-application inspection by printing and signing your name and providing the date and time the inspection was completed. You do not need to obtain the signature of the inspected person or business or provide a copy of your inspection report to the property operator unless non-compliances are noted.</p> <p>If non-compliances are noted, deny the NOI, contact the grower and, if a PCB is involved, the PCB. Document these contacts and the date and time the contacts were made in the Remarks section of the inspection. Deliver a copy of the inspection to the property operator in accordance with the General Procedures section.</p>

Criteria Items

**1. Notice of
Intent (NOI)
Consistent with
Permit.
3CCR §6434**

Scope: Agricultural Use of State Restricted Materials Requiring a Permit.

Exemptions: When all the information normally submitted on an NOI is already on the permit, the NOI is not required.

The NOI must be delivered to the CAC at least 24 hours prior to the start of the application unless the CAC determines that 24 hours are not necessary to adequately evaluate the intended application. Compare the information on the NOI with the Restricted Materials Permit. Pay particular attention to potential adverse effects (field workers, schools, bodies of water etc). The NOI must be complete and consistent with the permit. When a NOI is required by the CAC, it must provide the following information. If the information required is on the permit, it may be referenced on the NOI.

- a) Permit number
- b) Name and address of permittee and applicator
- c) Location of areas to be treated and name of farm operator
- d) Crop, commodity, or site
- e) Approximate acres or units
- f) Method of application
- g) Pesticide(s)
- h) Dilution, volume and dosage
- i) Pest(s)
- j) Date application is to start
- k) Location and identity of any sensitive sites that have changed since the permit was issued

Only the date of the application, the method (including dilution, volume and rate) and the PCB can be added to a permit through the NOI. All other changes must be made through a permit amendment.

**2. Proposed
Application
Complies with
Permit
Conditions.
FAC §12973**

Scope: Agricultural Use of State Restricted Materials Requiring a Permit.

Exemptions: None

Determine if the application can be carried out in compliance with all conditions on the permit.

Continued on next page

Criteria Items, Continued

3. Environmental Conditions Consistent with Permit and NOI. 3CCR §6428(c)	Scope: Agricultural Use of State Restricted Materials Requiring a Permit. Exemptions: None The NOI must reflect any changes in the environment since the permit was issued. Are surrounding fields and cultural facilities consistent?
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Chapter 3: Fieldworker Safety Inspection (PR-ENF-103)

General Scope

Employees who, for any kind of compensation, perform cultural activities in a "treated field." A "field" is any area upon which one or more agricultural plant commodities (including forest and nursery product) are grown for commercial or research production. "Field" does not include range or pasture harvested by grazing animals. A "treated field" is a "field" that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A "treated field" does NOT include areas inadvertently contaminated by drift or over spray. See 3CCR section 6000.

Note: Only Fieldworker Safety (FWS) Inspections conducted on fieldworker(s) working in a "treated field" may be counted on the Pesticide Regulatory Activities Monthly Report (PRAMR).

Determining a "Treated Field"

Determining whether the area constitutes a "treated field" can be done a number of ways, such as:

- 1) Interviewing the supervisor (or person in charge) of the fieldworker(s) crew
- 2) Information provided by the property operator (or representative) via phone, fax, past work orders, completion notices, etc.
- 3) Visiting the property operator's central location and examining application specific information, completion notices, work orders, use reports, etc.
- 4) Asking someone else to visit the property operator's central location, when it is located outside your county, such as a CAC inspector from that county.

This information is often determined "after the fact", that is, after the "Inspection Acknowledged By" and "Date Acknowledged" has been completed by someone representing the "Firm / Person Inspected". Determine the status of a "field", and complete the information in the "Worker Protection Standards Elements" section as soon after the inspection as is practical.

General Exemptions

Employers and non-employees; persons performing tasks as a crop advisor and government officials performing inspection, sampling, or other similar official duties are not defined in the code as field workers. Consequently, when the scope refers to field workers - employers, non-employees, crop advisors, and government officials are exempt.

Talking with Employer Representatives / Employees

a) Conducting Interviews

A large part of conducting a field worker safety inspection involves talking with (interviewing) a “person in charge” representing the employer, such as the supervisor or crew foreman, and at least one or more of the fieldworkers.

Document any non-compliances or problems uncovered from the interviews in the "Remarks" section of the inspection form. Examples: Supervisor does not know what or where application specific information is; is not sure what to do/where to go in an emergency, has not been told when the field was last treated, does not know if the REI had expired, etc. Fieldworker(s) response(s) may be indicated in the same manner.

b) Recording Information on the Inspection report

Record the name of the “person in charge”, (i.e. supervisor, crew foreman) in the “Supervisor” block. You may need to ask a fieldworker for the name, if the designated person in charge is not at the site at the time of your visit, or write “unknown” if that is the case. Indicate whether or not you spoke to the person in charge by checking the “YES” or “NO” box in the “Supervisor Interviewed” block.

Names of fieldworkers interviewed are not needed; however, you do need to record the number of fieldworkers you spoke with in the “Number of Fieldworkers Interviewed” block located under the heading, “Worker Protection Standard Elements”. Note: It is not necessary to speak with all the fieldworkers; your objective in speaking with fieldworkers is to determine the crew’s level of knowledge and understanding of safety procedures, and notification information.

c) Documenting Inability to Conduct Interviews

When an inspection is conducted, and you are unable to interview fieldworker employees, you must provide a brief explanation in the “Remarks” section as to why you were unable to conduct these interviews. See Talking to employees / employers in the General Inspection Procedures section of this manual for specific instructions.

Completing the Inspection Report

Complete all information in the “Header” section (Follow-Up Inspection, and Inspecting County name) part of the inspection report. Refer to the “General Procedures” section of this manual for specific instructions.

“Information” Block Specific to the FWS Inspection

a) Firm / Person Inspected (Check one)

Write the name of the firm or person who is the employer of the fieldworker(s) being inspected. Check the box that appropriately designates the “Employer” based on the following:

- 1) FLC = Farm Labor Contractor
- 2) Grower = Property Operator
- 3) Other = Other entities, such as a packer/shipper, or custom harvester

Employer designation is important to know because pertinent laws and regulations apply differently based on that designation, and will affect the way you note compliances on your inspection report.

Worker Protection Standard Elements

The entire block “Worker Protection Standard Elements” is specific to the FWS Inspection report. Some of the information needed can be determined “on site”, while other information may not be known until after the inspector has left the site. The entire block must be completed to be counted on the PRAMR (Report 5).

Notice of Application Within 1/4 Mile

This item will be addressed in two different manners:

- 1) Routine FWS Inspections – Check the “Not Inspected” box if you did not check compliance of this requirement during the inspection.
- 2) Targeted FWS Inspections:
A designated number or percentage of FWS Inspections should be conducted with a determination of compliance with this specific item included as established in the annual County Negotiated Workplan or as established in a Focused Activity Plan.

Notice of Applications within ¼ Mile. 3CCR § 6618(b)

Scope: Employees of the operator of the property and any contractor hired by the operator of the property who may be in a treated field or who are likely to enter a treated field during the pesticide application or while the REI is in effect.

Exemptions: The oral notice is not required when a field is posted as specified in Section 6776, unless the pesticide product labeling requires dual notification, (by warning them orally and by

posting warning signs). Posting of the federal (stern face and hand format) sign does not meet this requirement. Persons who applied or supervised the application are exempt.

L During your interviews with the crew supervisor and workers, ask how they are notified about areas on the ranch/farm where pesticide applications are taking place or where REIs are in effect. Who provides the notification? Are they aware of any of the fields within a ¼ mile of where they are working that are under a REI?

Check this item “YES” or “NO” based on the responses received from the supervisor and field workers.

Application Specific Information

Currently, this item will be addressed in two different manners:

- 1) Routine FWS Inspections – Check the “Not Inspected” box if you did not check compliance of this requirement during this particular inspection.
- 2) Targeted FWS Inspections - A designated number or percentage of FWS Inspections may be conducted with this specific item included as established the annual County Negotiated Workplan or in a Focused Activity plan.

Application Specific Information. 3CCR § 6761.1

Scope: When field workers are employed to work in or within ¼ mile of a treated field. Compliance with this regulation is the responsibility of the operator of the property.

Exemptions: Non-employees; field workers working in non-treated fields that are not walking within ¼ mile of a treated field.

L Determine the location of the application specific information display from the PSIS A-9 on site or by contacting the property operator. Go to that location and determine if the information is:

Displayed – The information should be available to fieldworkers to review with unimpeded access. It can be posted, in a binder, in a file cabinet or available in another manner. It must be made available in a place normally frequented by workers. The information is not displayed if workers must ask someone to see it.

Complete – The display must contain the identity of the treated area, the time and date of the application, the REI, the pesticide name and active ingredient, and the EPA registration number.

Timely – The information must be displayed within 24 hours of the application and remain displayed until the area is no longer a treated field or no fieldworkers will be working within ¼ mile of the treated area.

Much of the information required can be made available through the use of a cross- index. For example: The grower posts the field location, the date and time of the application and the pesticide name. The REI, active ingredient and EPA registration number are provided in a separate index keyed by the pesticide name.

Check this item “YES” or “NO” based on your observation of the display.

If this criteria is in non-compliance explain in Remarks the nature and circumstances of the non-compliance. Example: The application specific information was displayed and up to date but did not include the active ingredient.

When performing the inspection on a farm labor contractor and this requirement is found to be in non-compliance, provide the property operator with written notification of the non-compliance. This written notification must be filed appropriately in the property operator's history of violations.

Date of Application/REI Expired

This information is critical in determining whether the area in which the fieldworkers are working is a "treated field", and if the REI has expired or not. Enter the date of application numerically in this format: month/day/year Example: 03/17/03

Based upon the date of application, and listed REI on the product label, indicate whether the REI has expired by checking the "YES" or "NO" box.

Approximate Field Size / Number of Fieldworkers

You can estimate the size of the area (list the unit of measure, such as acres) you are including in your FWS Inspection by such means as:

- a) Ask a supervisor or fieldworker
- b) Check the permit or operator identification form for information
- c) Review information available at the property operator's central location such as application specific information, completion notice, permit, etc. or check with someone there
- d) Calculate size based on odometer, measuring wheel, other

You can estimate the number of fieldworkers based upon the size of the area you included in your FWS Inspection by such means as:

- a) Ask a supervisor or fieldworker
- b) Break the larger area into smaller units, count the number of workers in the smaller area and calculate accordingly

Fieldworker Activity

List all types of activity being performed at the time and location of your inspection. Use the "Remarks" section if more space is needed. Examples: harvesting, thinning, packing, irrigating, pruning, etc.

Number of Fieldworkers Interviewed

Record the number of fieldworkers you spoke with in the “Number of Fieldworkers Interviewed” block, names of fieldworkers interviewed are not needed. If you did not speak to any fieldworker, write the number zero, and explain why in the “Remarks” section. Refer to the section “Talking with Employer Representatives / Employees” on page # 44.

Pesticide Name/Registration #/Signal Word/REI

a) Pesticide Name/Manufacturer

Print the entire pesticide name(s) (trade name) from the most accurate source of information available (i.e. property operator, application specific information, pesticide use report, PCA recommendation, work order) Include the manufacturer’s or registrant’s name. Example: Di-Syston 15G / Bayer. This information is required.

b) Label Registration Number

Print the EPA or California registration number for the above listed pesticide(s) if known or available. If the information is not available, write “Unknown” in this block

c) Signal Word

If you know the signal word for the pesticide(s) listed print “Danger”, “Warning”, or “Caution”. If the information is not available, write “Unknown” in this block

d) REI (Restricted Entry Interval)

Write in the number and unit of measure, such as hours or days - as listed on the pesticide label. This information is required.

Early Entry PPE Worn

Information needed to conduct this portion of the FWS Inspection on site: pesticide label(s), type of activity, commodity type/growing stage, and knowledge of CCR 6772. If this section does not apply print “N/A” in the lower left corner of this section under the HANDS column.

If you check “YES” or “NO” to criteria items # 8, 9, or 11 under “Requirements” check the appropriate box in the Hands, Eyes and Inhalation columns. Check all appropriate boxes in the “Other” column. If you check the “Other” box under “Hands”, or “Other” columns, list the specific item worn.

You can only use this block to describe one set of early entry PPE. If there is more than one early entry worker and all early entry workers are wearing the same early entry PPE check the appropriate boxes in each column and print “all workers’ under the “Hands” column.

If there is more than one early entry worker and they are wearing different early entry PPE use the boxes to document one worker or one group of workers. Print the number of workers represented by the boxes under the “Hands column”. Document your observations of other fieldworkers and the PPE being worn in either the “Remarks” section, or on the “Inspection Report Supplement”.

If there is a non-compliance relating to the early entry PPE document the worker or workers in violation using the boxes. Document the names of the workers in violation in the ‘Remarks’ section or on the “Inspection Report Supplement”. Clearly describe the nature of the violations and the number of workers in violation in the ‘Remarks’ section or on the “Inspection Report Supplement”.

Responsible Parties – Property Operator vs FLC

Requirements 10 and 11 (Posting Compliance, Greenhouse Ventilation Criteria) on this form are the responsibility of the property operator. Use the steps below if inspecting a Farm Labor Contractor and you find a non-compliance for criteria item 10 Posting Compliance or 11 Greenhouse Ventilation Criteria.

- 1) Check “N/A” under “Compliance” because this section is not applicable to the Farm Labor Contractor
- 2) Note in the “Remarks” section that a non-compliance was noted against the “Property Operator”
- 3) Issue a Violation Notice (PR-ENF-101) to the Property Operator. Do not use the original inspection form as a violation notice.
- 3) On the Fieldworker Safety Inspection form, in the “Violation Notice # field” check the “NO” box.

This same approach would apply when inspecting a custom harvester or packer/shipper.

FWS Inspection Requirements

1. **FLC Registered # _____ . Labor Code § 1695**

Scope: Farm Labor Contractors (FLCs) licensed in California who are working in the county.

A Farm Labor Contractor is any person who, for a fee, employs workers to provide services connected with the production of farm products to, for, or under the direction of a third person. A person who recruits, solicits, supplies, or hires workers on behalf of an agricultural employer, and furnishes board, lodging, or transportation for those workers; supervises, directs or measures their work; or disburses wage payments to these persons is also considered a farm labor contractor

Exemptions: Packers/Shippers who purchase the crop and then harvest it; commercial packing houses engaged in both the harvesting and the packing of fruit; custom harvesters; property operators.

L California licensed farm labor contractors must register annually with the Agricultural Commissioner of the county of the grower client. Labor contractors must also carry their license and proof of registration with them at all times.

Document the FLCs registration number in the blank.

If the contractor is unlicensed, check “N/A” and address in the “Remarks” section.

2. Labeling - Personal Protective Equipment FAC §12973

Scope: All persons working in treated fields prior to the expiration of the REI.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

L Pesticide labels contain specific instructions and exemptions about REIs, PPE, and worker notification, under the heading "Agricultural Use Requirements". Both employees and employers are subject to label requirements.

When and what was the most recent pesticide application? Ask the supervisor, or determine through other means. If the information is not available, ask the supervisor how he/she knows whether the REI has expired.

Ask the workers how they know what PPE to wear. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use PPE required by the label is a non-compliance.

Use the “Remarks” section to record the specific item(s) not worn as required by label, and the name of the fieldworker(s) not wearing the required PPE.

If the fieldworkers are performing early entry tasks that involve contact with anything that has been treated, are they wearing the PPE required by the label(s)? If early entry workers are not wearing the required label PPE, check to see if their employer provided it.

If a pesticide is highly toxic for acute dermal toxicity or skin irritation potential, the label will require users to notify workers by warning them orally and by posting warning signs, If early entry workers are working in a field that was treated with a dual notification product, ask them if they were notified orally. Is the field posted?

If dual notification was required, limited contact early entry activities are prohibited.

3. Hazard Communication A-9. 3CCR §6761

Scope: Field workers in treated fields.

Exemptions: Employers and non-employees working in treated fields.

L Employers must display a completed Pesticide Safety Information Series (PSIS) A-9 at the work site, or at a central location, if employees begin their workday there. "Completed" means

that the blank lines on the document are filled in. "Display" means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. Employers can use a binder, filing cabinet, or other method to contain documents for display, as long as the employees have unimpeded access to the information.

└ A PSIS A-9 inside the cab of the foreman's or employer's truck does not meet the standard for display.

Ask fieldworkers if they are aware of the PSIS A-9. Where is the PSIS A-9 displayed? Has the information been conveyed to the fieldworkers in a language the workers understand? Do they have unimpeded access to it? If it is in a binder, it should be in plain sight and not buried under personal items or documents. Ask workers if they feel comfortable going to look at it any time during the workday.

4. Field Work During Pesticide Application. 3CCR §6762

Scope: Fieldworkers not involved in the application.

Exemptions: According to 3CCR Section 6760, when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants, Section 6762 does not apply.

└ No employer shall direct or allow any person, other than the persons making the application to enter or remain in a treated area of a farm or forest during the application. In nurseries and greenhouses, the prohibited area is just the treatment site unless the pesticide is applied as a space treatment; as a spray from a height more than twelve inches from the planting medium; as a fine spray; or using a pressure greater than 40 pounds per square inch, or when pesticide product labeling requires respiratory protection.

In these later cases the prohibited area is the treatment site plus twenty-five feet in all directions within the enclosed area. For fumigations and space treatments in a greenhouse, the entire greenhouse is the treated site, unless any adjacent area is sufficiently sealed to prevent pesticide transfer from the treatment site.

└ This inspection requirement would only be applicable if a pesticide application is taking place in the field (area) you are inspecting.

For clarification, here are some examples:

- a) If there is no pesticide application taking place in the field (area) being inspected, and person(s) are present check the "N/A" box.
- b) If a pesticide application involving granular baits, attractants, or repellants in traps is being made, or if algaecides are being used to treat the irrigation system, or if pesticides are being injected into plants, and person(s) are present, check the "N/A" box.

- c) If a pesticide application is being made to the area you are inspecting, and person(s), other than the applicator, are present inside the treatment area, or treatment site, or the treatment site plus 25 feet in any direction, check the “NO” box.
- d) If a pesticide application is being made to the area you are inspecting, and person(s), other than the applicator, are present outside of the treatment area, or treatment site, or treatment site plus 25 feet in any direction, check the “YES” box.

5. Field Worker Training. 3CCR §6764

Scope: Fieldworkers in treated fields.

Exemptions: Employers and non-employees. This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. See 3CCR Section 6760

L Employees assigned to work in treated fields must be trained before beginning work. Training is required once every five years. No documentation is required for fieldworker training. California accepts fieldworker training verification from other states. If the worker possesses a valid USEPA Training Verification Card (Blue Card) issued in another state, then the training requirement would be met.

Training must be in a manner the employee(s) understand and include the topics outlined in this section.

Interview several of the workers and ask them about the training they received. Who trained them? When and where did the training occur? Do they know what field posting means? How they can be exposed to pesticides? Can they tell you some of the signs and symptoms of pesticide poisoning? How to get emergency medical care?

6. Emergency Medical Care Knowledge. 3CCR § 6766(b)

Scope: Fieldworkers who enter treated fields.

Exemptions. Owners and non-employees. This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. PCAs and those performing crop adviser tasks are exempt under the conditions of § 6720.

L The employees, or the supervisor in the field, must know what to do and where to go in a medical emergency. He/she must know the name and location of a physician or medical facility that can provide emergency medical care and, if the facility is not reasonably accessible from that work location, the procedures they should follow to get emergency medical care. This information does not have to be posted, although the PSIS A-9 does have a space where the information must be recorded.

If the information is not recorded on PSIS A-9, that constitutes a non-compliance of section 6761.

7. Decontamination Facility. 3CCR § 6768.

Scope: Fieldworkers engaged in activities involving contact with treated surfaces in a treated field.

Exemptions: Owners and non-employees. This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants.

L Employers must provide decontamination facilities for employees who perform activities involving contact with treated surfaces in treated fields. The decontamination facility must not be more than ¼ mile from where employees are working, or from the nearest point of vehicular access. There is no flexibility for the ¼ mile rule except in the case where there is no vehicular access to the field workers.

Facilities must include sufficient water (of a quality and temperature that will not cause illness or injury), soap, and single use towels. The water must be suitable for eye flushing. The regulation states there must be sufficient water available at the site.

[The US EPA recommends that there be at least one gallon of water for each worker.]

Decontamination facilities must not be in a field that is under a REI unless the field workers are performing early entry activities. Hand washing facilities provided in conjunction with toilet facilities pursuant to 8CCR §3457 (Field Sanitation) are considered adequate for purposes of this requirement.

8. Field Entry after Pesticide Application. 3CCR § 6770

Scope: Employees who enter treated fields during the REI.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. Licensed PCAs and registered professional foresters or employees under their direct supervision are exempt while checking fields or scouting provided they follow the conditions in CCR §6720(d).

Note: According to the Federal WPS, when an REI is on the pesticide product labeling, owners and their families must follow the early entry time restrictions specified in this section for early entry activities. They must also wear the label required early entry PPE, and follow any other restrictions specified in pesticide labeling for early entry. In case of a non-compliance by an owner, property operator or family member, check “N/A” for this particular section but check “NO” for Requirement 2, section 12973.

L Employers must not allow or direct any employee(s) to enter or remain in a treated field before the REI has expired. However, if the conditions listed in this code section are followed, employees may enter a field during an REI to perform pesticide handling activities, no contact activities, limited

contact activities and certain other activities. See the regulation for specific exceptions and prohibitions.

9. Early Entry Requirements. 3CCR §6771

Scope: Applies to fieldworkers in treated fields during a restricted entry interval.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

└ If workers are performing early entry activities involving contact with anything that has been treated, including soil, water, air, and plant surfaces, confirm that the employer provided label-required PPE to the early entry workers.

└ Ask field workers if they are familiar with label requirements related to human hazards or precautions; first-aid; symptoms of poisoning; PPE; exposure prevention; recognition and first-aid for heat-related illness; and importance of washing thoroughly at the end of the work shift.

Items Specific to Property Operators

The following requirements are specifically the responsibility of property operators. If you are inspecting an FLC, custom harvester, or packer/shipper (“Other”) these criteria items will always be checked “N/A”.

If, during your inspection of an FLC or “Other” you find a non compliance of criteria item 10 (Posting Compliance, 6776) or criteria item 11 (Greenhouse Ventilation Criteria, 6769), you must document the non-compliance(s) in the “Remarks” section. Make sure to note the non-compliance(s) is against the “Property Operator”, not the “Firm/Person Inspected”.

Refer to the “Responsible Party” Section at the beginning of the Requirements instructions.

10. Posting Compliance. 3CCR § 6776

Scope: Treated fields during the REI when:

- Posting is required by the pesticide labeling;
- The application results in a REI greater than seven (7) days;
- Whenever Danger or minimal exposure pesticides are applied through an irrigation system.
- All greenhouse applications must be posted. Posting can be of the entire greenhouse or of the treated area. Space treatments require posting the entire greenhouse.
- When a fumigant is applied to a field.

Exemptions:

- If access is controlled into a treated field or greenhouse, it does not need to be posted. (This exemption applies only to label required posting and greenhouse applications. It does not apply to applications when the REI is greater than 7 days or to fumigations.)

- If PCAs and those performing crop adviser tasks are the only employees who may enter, work in, or walk within a ¼ mile of a treated field during the application and the REI, the field does not need to be posted.
- This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

⌚ The property operator shall post signs to warn employees and others against entry during a specified time period. The property operator must post the field(s) prior to the application.

The property operator shall:

- Post before the application begins, but not more than 24 hours before the application begins.
- Post signs that are visible at all usual points of entry to the treated area or post signs every 600 feet along side of field if adjacent to an unfenced public right of way.
- Leave signs in place throughout the application and REI.
- Remove signs within three (3) days after the end of the REI.

11. Greenhouse Ventilation Criteria 3CCR § 6769

Scope: Workers and other employees who enter greenhouses after any pesticides whose label requires respiratory protection is applied; or after any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside a greenhouse.

Exemptions: Workers and other employees who enter greenhouses after pesticides that are not fumigants, smoke, mists, fogs, or aerosols, or whose label does not require respiratory protection have been applied inside the greenhouse.

⌚ When pesticides whose product labeling requires respiratory protection are applied by any method in a greenhouse; or when any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside a greenhouse, employers must make sure that adequate ventilation has occurred before they allow workers to enter that greenhouse. In order to check this requirement you must know what was applied, and the pesticide label requirements.

Ventilation is considered adequate when the concentration is measured and it does not exceed any standard listed on the pesticide label, or one of the following has occurred if there is no labeling standard:

- (1) Ten air exchanges are complete;
- (2) Two hours of mechanical ventilation, such as with fans;
- (3) Four hours of passive ventilation, such as opening vents, windows, or doors;
- (4) Twenty-four hours with no ventilation; or
- (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100%.

Decontamination Facility / Early Entry

I. DECONTAMINATION FACILITY

The following information is meant to provide specifics when the “Requirements” section for Decontamination Facility is checked “NO” under “Compliance”. Check either the “YES” or “NO” box to indicate compliance with each of the following below:

a) Decontamination Facility within a 1 / 4 Mile

Make your determination about the distance for decontamination sites for employees handling pesticides in commercial or research production agriculture based upon your odometer reading, measuring wheel or other means.

b) Sufficient Water Available

If you check “NO” provide an explanation in the “Remarks” section, addressing the amount of water available for both routine washing of hands and face, and for emergency eye flushing / washing to the number of employees using the decontamination site, and supporting your determination.

c) Sufficient Soap Available

If you check “NO” provide an explanation in the “Remarks” section, addressing the amount of soap to the number of employees using the decontamination site, and supporting your determination.

d) Sufficient Single Use Towels (6768) or Clean Towels (6771)

If you check “NO” in response to section 6768, provide an explanation in the “Remarks” section, addressing the amount of available single use towels to the number of employees using the decontamination site, and supporting your determination.

If you check “NO” in response to section 6771, provide an explanation in the “Remarks” section, addressing the availability and amount of clean towels in relation to the number of employees using the decontamination site, and supporting your determination.

e) Eyewash, 1 Pint each

At least one pint of emergency eyewash must be immediately accessible to each fieldworker performing early entry activities during an REI in a treated field for which the pesticide label requires protective eyewear.

If you check “NO” provide an explanation in the “Remarks” section, addressing the amount of water, its accessibility, or other reasons, and supporting your determination.

Chapter 4: Pesticide Use Monitoring Inspections (PR ENF-104)

Purpose

You inspect applications, mixing, and loading activities to document whether or not the handler and employer are complying with any applicable conditions in the Restricted Materials Permit, pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops and property. During any pesticide operation, the greatest hazard occurs while mixing and loading, since that is when the concentrate is handled. Conduct a mixing and loading inspection in conjunction with your application inspection whenever possible to accurately identify the pesticide and to determine specific label requirements. Your inspection of equipment in use indicates if it is safe for handlers and the environment. Your observations provide a picture of the employer's safety program and the employee's knowledge of pesticide handling requirements and safety precautions.

Review the specific requirements of licensing, private applicator certification, and Restricted Materials Permits prior to or following the inspection and address them accordingly. When you check for compliance with the personal protective equipment (PPE) and work clothing requirements, look at both the pesticide label and the regulation for their separate requirements.

Review the General section for procedures common to all inspections.

Equipment Used. List the number and type of equipment including closed systems. How many tractors and other rigs were in the field? What type was the enclosed cab? What else was unusual about this operation?

Who is wearing what? Who is doing what? Check each item of PPE for each applicator, mixer and loader, and flagger. Complete this section then check the label and regulations to see what they should be wearing.

Record your observations of the PPE used then look at both the label and regulations to determine compliance. If you find non-compliances, a follow-up Headquarters and Employee Safety Inspection is warranted.

Determine if the employer provided PPE required by the pesticide label or regulations. Was the employee wearing the equipment provided? Refer to the definition of assure and ensure in 3CCR section 6000.

Give a copy of the inspection form to the person being inspected.

Criteria for Completed Inspections

For the purposes of reporting your Pesticide Use Monitoring Inspections (PR-ENF-104, revised 07/03) on the Pesticide Regulatory Activities Monthly Report:

- A completed **Application** inspection includes all applicable criteria items listed in: Section A. Application Inspection.
- A completed **Mix/Load** inspection includes all applicable criteria items listed in: Section B. Mix/Load Inspection.
- See General section for additional information on completed inspections.

Application Inspection and Mix/Load Inspection

Procedures

1. Business Licensed/Registered in County. FAC ' 11732

Scope: All persons who engage for hire in the business of pest control in the county and who are required to obtain a Pest Control Business License.

Exemptions: Structural pest control businesses, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood, fabrics, or structural materials in a permanent treatment plant, pest control incidental to new construction or landscaping, household or industrial sanitation, seed treatment incidental to a persons regular business, live capture of vertebrates, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon.

2. Registered Label Available at Use Site. 3CCR ' 6602

Scope: All pesticide uses.

Exemptions: None

L If the mixing and loading site of ground applications is in close proximity to the application site, and personal or radio contact is maintained, then it is permissible for labeling to be available only at the mixing and loading site. Aerial applications are exempt when radio contact is maintained between the pilot, flaggers, and the mixing loading site. In order for you to claim an aerial application inspection as a complete inspection, you must review the labeling.

L Registered labeling covering the specific use must be available at the use site. Registered labeling includes relevant Special Local Need's, Section 18's, and published University of California

guidelines. Review the pesticide label to see what additional documents are required to be at the use sites. These documents may include the Chlorine Technical Manual, Technical Information Bulletin, or a handbook on the use of aluminum phosphide. Commercial advertising does not comply with the requirements of this section, even if it includes use directions.

3. Notice of Intent (NOI) Submitted. 3CCR ' 6434

Scope: The operator of a property, by such operator's authorized representative, or by the licensed pest control business who is to apply the pesticide for the agricultural use of pesticides requiring a permit.

Exemptions: If the complete information is given at time of permit issuance.

L When all NOI required information is included on the permit, an additional NOI would not be required. In cases where the pesticide will be applied on a continuing basis, a pesticide use schedule may be substituted for individual NOIs. The NOI can be submitted by the operator of the property, his authorized representative or licensed agricultural pest control adviser, or by a pest control business. Regardless of who submits the NOI for agricultural use, the operator of the property is ultimately responsible for submission.

Has an NOI been properly completed and submitted? Are any environmental changes noted? You may need to check this requirement at the office.

4. Restricted Material Use Supervised. 3CCR ' 6406

Scope: Certified applicator responsible for Restricted Materials.

Exemptions: None.

L The certified applicator must be available to direct and control the application by the non-certified applicator. The availability of the certified applicator shall be related to the hazards of the situation. In addition some labels require physical/visual presence of a certified applicator, or under their direct supervision.

5. Complies with Permit Conditions. FAC ' 12973

Scope: All restricted materials with conditions.

Exemptions: None.

L Is the handler using the pesticide in compliance with any permit conditions issued by the commissioner? Review the Restricted Materials permit to see that its conditions are met. This may involve any conditions that apply to Section 18's and certain 24c's. You will observe and record details of the application so that they can be compared to the permit conditions on record.

6. Labeling-Site/Rate/Other. FAC ' 12973

Scope: All pesticide uses.

Exemptions: For uses not considered in conflict, see 3CCRsection 6000.

7. Labeling-Personal Protective Equipment (PPE). FAC ' 12973

Scope: All pesticide uses.

Exemptions: None

LFirst, review the label at the site to determine correct use of the pesticide. What PPE is required? Both employees and employers are covered by label PPE requirements. Observe handlers to see if they have the label required PPE, such as gloves, respirators, eye protection, boots, rain suit, or apron. If employee handlers are not wearing required PPE, ask them if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use safety equipment required by the label is a use in conflict and is a violation

8. Coveralls. 3CCR ' 6736

Scope: Employees handling “DANGER” and “WARNING” pesticides.

Exemptions: Owners and non-employees. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

LEmployers must provide clean coveralls each day for employee handlers of pesticides with the signal word “DANGER” or “WARNING” Ask the employee how often they are provided with clean coveralls. Coveralls are defined in CCR ' 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. The employer must provide coveralls as they are Personal Protective Equipment. Note that this differs from “work clothing” which does not have to be provided. Verify that handlers have a clean place to remove their PPE. Refer to the 3CCR section 6736 for additional information.

9. Personal Protective Equipment. 3CCR ' 6738

PPE, Eye Wear Provided & Used. 3CCR ' 6738 (a)(b)(1)

Scope: All employees handling pesticides.

Exemptions: PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720. Owners and non-employees handling pesticides are exempt, but remember, they are not exempt from label requirements for PPE use.

The following exceptions to protective eyewear required by the pesticide product labeling or regulations are permitted are permitted by 3 CCR section 6738:

- a) When injecting or incorporating pesticides into soil using vehicle-mounted or towed equipment; or
- b) When vehicle-mounted spray nozzles are located below the employee and the nozzles are directed downward; or
- c) When working in an enclosed cab; or
- d) When applying vertebrate pest control baits that are placed without being propelled from application equipment, or solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows, baiting insect monitoring traps or applying non-insecticidal lures;
- e) When the flagger is in an enclosed vehicle.

L Protective eye wear may consist of safety glasses that provide front, brow and temple protection, goggles or a face shield, when pesticide labeling does not specify any particular kind. The employer must assure the use of eye protection by employees who are involved in hand and ground applications using hand-held, vehicle-mounted, or towed equipment and while mixing and loading pesticides, adjusting, cleaning, or repairing application equipment that contains material in the tank, hopper or lines.

PPE, Chemical Resistant Gloves, Provided and Used. 3CCR ' 6738 (a) (c)(1)

Scope: Employees handling pesticides.

Exemptions: Owners and non-employees handling pesticides. Employees when the pesticide label specifies that gloves must **not** be worn. PCAs and those performing crop adviser tasks are exempt under the condition of 3CCR ' 6720. Employees applying vertebrate pest control baits using long handled implements are exempt. Employees are exempt when handling "Caution" pesticides and a closed system.

L The employer must assure that handlers use chemical resistant gloves. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If a specific type of glove is not identified by the label, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent protection from the pesticide being handled. Dirty, ripped or cracked gloves are not adequate protective equipment and are not in compliance.

PPE, Chemical Resistant Clothing, Provided and used. 3CCR ' 6738 (a) (d)

Scope: Employees handling minimal exposure pesticides. When the pesticide label requires the use of chemical resistant clothing both employers and employees are covered.

Exemptions: Owners and non-employees when PPE is required by regulations but not the label. PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L The protective garments must cover the torso, head, arms, hands, legs and feet. This clothing shall consist of a rain suit or garments constructed of Tyvek 7 or 100% spun-bonded Olefin 7 which has been laminated with Saranex 7 or polyethylene, chemical resistant hat and boots.

NOTE: Non-laminated tyvek coveralls are considered equivalent to cloth coveralls. Ripped, torn, excessively dirty or missing pieces of chemical resistant clothing, and open raincoats or jackets are problems frequently encountered in the field.

Employees do not need to wear chemical resistant clothing while working inside an enclosed cab. However, handlers must have chemical resistant clothing immediately available and use it when outside the cab and inside the treatment area. Before reentering the cab, the employee must remove and store the contaminated clothing outside the cab. Handlers may transport the bagged clothing inside the cab back to the mix and load site.

PPE, Respiratory Equipment, Provided & used. 3CCR ' 6738 (a)(h)

Scope: Employees handling pesticides.

Exemptions: Owners and non-employees unless the PPE is required by the label in which case you would cite FAC ' 12973 not 3CCR ' 6738. PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L The employer must assure employees use it. The employer must select the respiratory equipment specified on the product label. You will check that the proper cartridges are being used. Are they clean? Also, check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing? In what condition are the straps and rubber face piece? Are they providing an adequate seal?

See also:

1. 3CCR ' 6793 Minimal Exposure Pesticide Safety Use Requirements.
2. 3CCR ' 6700 Scope of subchapter 3, Pesticide Worker Safety, and
3. 3CCR ' 6795 Thiophanate-Methyl for potato seed-piece treatment.

NOTE: For more information on respiratory equipment, refer to your Manual of Procedural Guidance for Pesticide Enforcement Personnel pages 131-135.

Check NO in this item if the employee is not wearing all of the PPE required by the regulations and the pesticide label.

10. Suitable Methods, Manner and, Climate. 3CCR ' 6600.

Scope: All pesticide use.

Exemptions: None.

L Is the application safe? Are methods and equipment suitable (type of spray equipment, nozzle size and type, etc.) to ensure proper application of materials? What is the wind speed and

direction? Is there an inversion? What is the ambient temperature? What is the soil temperature? Is it foggy? Are the operations and safety measures providing basic protection for persons, property, and the environment? Is the handler exercising general standards of care? Is the equipment in good repair and safe? Is the operator being careful and effective? Is the operator taking reasonable precautions to prevent contamination of the environment?

11. Accurate Measurement. 3CCR ' 6604

Scope: All mixing and loading operations.

Exemptions: Ready-to-use diluted pesticides.

└ Are pesticides being accurately weighed or measured? Are the measuring devices calibrated to the smallest unit in which the concentrate is being used? Examples of inaccurate measurement would include estimating half a bag or part of a container. Examples of improper devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc.

12. Protection of Persons, Animals and, Property. 3CCR ' 6614.

Scope: All pesticide applications.

Exemptions: None.

└ Prior to and while making the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds, inversions, proximity to residential areas and susceptible crops are examples of conditions, which may cause drift problems. Are there any fieldworkers near the site during the pesticide application? Even though there may not be drift, consider if there is:

- a) A reasonable possibility of the contamination of the bodies or clothing of persons not involved in the application. As an example, in a greenhouse situation, an application may proceed without vacating the entire premises unless a hazard due to vapors or mist is created.
- b) A reasonable possibility of damage to non-target crops, animals (including bees), or property. Is there an adjacent crop that does not have a tolerance established for the pesticide?
- c) A reasonable possibility of contamination of non-target property, which would prevent it's normal use.

13. Handlers Trained. 3CCR ' 6724.

Scope: All employees who handle pesticides.

Exemptions: Employer, owner, non-employees, and certified applicators.

└ Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12 month period) thereafter. Initial training may be waived if employees submit a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received

within the last year. Pesticide safety training may only be conducted by a person who meets the qualifications included in 3CCR ' 6724. Observe how the handler is performing his/her task. Does he/she appear to have received pesticide handler's training? Does the applicator follow the pesticide product label direction? Does the applicator utilize the PPE? Were all precautions taken before the commencement of the application? During the application, does the applicator monitor the weather conditions and the application equipment? Interview the employee to determine who provided the training. Where was the training conducted? When was the training provided?

14. Emergency Medical Care Posting. 3CCR ' 6726.

Scope: All employers of pesticide handlers.

Exemptions: Owners or non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

L Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate as is the displaying of "911." Medical information may provide the necessary information to the employee when it is in an employee's wallet or in the glove compartment of the work vehicle. However, it is not posted and does not meet the requirements.

15. Employees Contacted. 3CCR ' 6730.

Scope: Employees handling "DANGER" pesticides for production agricultural use.

Exemptions: Owners or non-employees, employees handling "WARNING" or "CAUTION" pesticides.

L Pilots, mixers and loaders, and flagger teams are deemed to be working together and would not require additional supervision. When working in the same field, ground applicators are deemed to be working together if they can see each other or each other's application vehicle. This supervision can be in person, or by radio or telephone contact. You would mark "Yes" if more than one employee is working together handling "DANGER" pesticides.

16. Decontamination Facilities, Site. 3CCR ' 6734.

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity.

For non-production agriculture, employees handling pesticides with the signal word "DANGER" or "WARNING"

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

L Sufficient water, soap, and single use towels must be available at the mixing and loading site. The amount of water indicated by the Federal guidelines and listed in the The Worker Protection Standard for Agricultural Pesticides-How to Comply Manual is for workers, at least one gallon is recommended for each worker at the site. For handlers, at least three gallons of water is recommended for each handler using the site. The employer must also assure that one clean change of coveralls is available at the decontamination site. Each handler must be within 3 mile of a decontamination facility unless prohibited by lack of vehicular access.

L The decontamination site for pilots may be at the loading site regardless of the distance from the field being treated.

L When the use is for other than commercial or research production of an agricultural plant commodity the decontamination site shall be within 100 feet of the mixing and loading site when handling pesticides with the signal words "WARNING" or "DANGER"

17. Eyewash Immediately Available. 3CCR ' 6734 (c).

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the label requires protective eyewear, shall carry one pint of water on the handler or on the vehicle for emergency eye flushing.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

18. Field Posting. 3CCR ' 6776, and FAC ' 12973.

Scope: The operator of the property is responsible to post treated fields:

- 1) When required by product labeling;
- 2) For all green house applications;
- 3) For applications that result in restricted entry interval greater than seven days;
- 4) Whenever "Danger" pesticides are applied through an irrigation system; and
- 5) Whenever a fumigant is applied to a field.

Exemptions: If access into a treated field or greenhouse is controlled, it does not have to be posted unless the application results in a restricted entry interval of greater than seven days (after adjustment pursuant to section 6774).

L Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See CCR ' 6776(b) for the required contents of the signs. See CCR ' 6776(c) for additional information that must be added to signs when they are used to post fields with a restricted entry interval of more than 7 days. The signs must be removed within 3 days after the end of the restricted entry interval, and before workers enter the field, unless the workers are "early entry workers". The signs must be visible

at all usual points of entry to the field. If there are no usual points of entry, signs must be posted at the corners of the field. See CCR ' 6776(e) for the contents of signs to be used.

Document any non-compliance of reentry intervals required by labeling under "Complies with Required Labeling." FAC ' 12973

The operator of the property is responsible to post treated fields, mark "No" in this box if the field is not posted and cite the operator of the property for not posting the field and cite the pest control business for making the application in violation of the pesticide label or regulations.

FAC ' 12978 requires posting for pesticides with label specified reentry intervals of 24 hours or more when applied on public property where exposure is foreseeable (school grounds, parks, etc.). The employer shall place signs at usual points of entry and every 600 feet when adjacent to any public right-of-way. The responsible agency may substitute a barrier for the warning signs to exclude public exposure to a treated area. Are the signs legible and in appropriate locations?

19. Equipment Registered. FAC ' 11732.

Scope: Equipment used in pest control for hire.

Exemptions: None.

L Pest Control Operators must register all pest control equipment with the county agricultural commissioner.

20. Equipment Identified. 3CCR ' 6630.

Scope: Equipment used by any agricultural or structural pest control business.

Exemptions: Aircraft and hand held or backpack equipment.

L All pest control businesses must identify each ground and service rig with markings readable at a distance of 25 feet. The identification must include either: (1) the business' name; or (2) the pest control business license number and a statement such as "Licensed Pest Control Operator", "Fumigation Division" or similar wording. This requirement includes pickup trucks used by licensed Maintenance Gardeners to transport pesticides and application equipment. These vehicles used to transport pesticides would not be required to have storage posting.

21. Equipment Safe to Operate. 3CCR ' 6600.

Scope: All equipment used in pesticide operations.

Exemptions: None.

L Pest control equipment must be kept in good repair and safe to operate. This is a general safety requirement applicable to all pest control operations. Cite this section to mitigate an equipment hazard. Inspect the equipment for worn or leaking hoses, leaking couplings, tanks, tank covers or nozzles.

22. Backflow Prevention. 3CCR ' 6610.

Scope: All pesticide equipment, including nurse rigs, which draw water from an outside source.

Exemptions: Nurse rigs are exempt when they carry only water to equipment.

L When handling pesticides and drawing water directly from an outside source, all equipment must be use a backflow prevention device. An air-gap should be maintained when using application equipment of 5 gallon capacity or less in order to prevent backflow into the outside source. Check with the local water purveyor for additional requirements. Title 17, Health and Safety Code, ' 7583 contains criteria for the following examples of devices to prevent backflow or reverse siphoning:

- a) Double Check Valve Assembly - An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
- b) Reduce Pressure Principle Backflow Prevention Device - A backflow prevention device incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.
- c) Air-Gap Separation - A physical break between the supply line and the receiving vessel. This is the only method that is accepted by all water and health agencies.

(See Pesticide Registration Notice (PR) Notice 87-1, ENF 01-12, and ENF 01-28)

23. Containers Secure and Under Control. 3CCR ' 6670

Scope: All pesticides, emptied containers, and equipment that holds or has held a pesticide.

Exemptions: This section does not apply to spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, *Bacillus thuringiensis* Berliner, sanitizers, disinfectants and medical sterilants. Refer to 3CCR ' 6402 and ' 6686 for details.

L Equipment or containers that hold or have held pesticides must be under observation or in a locked enclosure.

24. Storage Area Posted, "Warning/Danger". 3CCR ' 6674

Scope: All storage areas, pesticides, or emptied containers labeled with the signal words “WARNING” or “DANGER” are stored.

Exemptions: Storage areas that hold only pesticides labeled with the signal word “CAUTION”.

Ⓙ Pesticide storage signs must be visible from any direction of probable approach. Each sign shall be of such size that it is readable at a distance of 25 feet. The sign shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

25. Pesticide Container Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant’s label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

26. Service Containers Labeled. 3CCR ' 6678.

Scope: All containers used to store or transport dilute or concentrated mixtures of pesticides other than the manufacturer’s container.

Exemptions: Original labeled containers, containers used by a person engaged in the business of farming when the containers are used on the property the person is farming.

Ⓙ Handlers use service containers to store or transport a pesticide or its use-dilution. Service containers must contain the following: the name and address of the person responsible for the container, the identity and appropriate signal word of the pesticide. If pesticide(s) are loaded into application equipment on site, all of the pesticide mix is used during the application, no service container labeling is required.

27. Pesticides in Proper Containers. 3CCR ' 6680

Scope: All pesticides in storage, transported or being used.

Exemptions: None

Ⓙ Field workers should not be riding in the back of a pick up used to transport pesticides. If service containers are observed, examine them to assure that pesticides are not being stored in

prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

28. Container Transportation. 3CCR ' 6682.

Scope: All pesticides in vehicles.

Exemptions: None.

L Many non-compliances are found in the storage box of the vehicle, especially in non-agricultural or non-production agricultural settings. Non-compliances include: spillage of concentrates, storage of PPE in the same box with pesticides. a permit.

29. Containers Properly Rinsed. 3CCR ' 6684.

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate diluted for use.

Exemptions: This section does not apply to home use. It does not apply to sanitizers, disinfectants and medical sterilants. This section does not apply to containers that are or will be returned to the registrant.

L Handlers must rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank. Check empty containers for proper rinsing procedures. Puncturing of the containers is suggested in order to allow for drainage and aeration. Unrinsed or improperly rinsed containers are considered hazardous waste and must be disposed of as per Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information. The burning of plastic containers (jugs, buckets, etc.) may be in violation of local Air Pollution Control District Regulations. Cal/EPA has determined that, when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as nonhazardous waste. There are two disposal options available: disposal at lined Class III landfills; or disposal at the site of application by burning under an agricultural burn permit.

See ENF 95-024, ENF 96-004 and ENF-97-006 for bag emptying and burning guidelines.

30. Cover/Shut Off/Sight Gauge. 3CCR ' 6742.

L Check to see if the spray tank valves, couplings and transfer hoses are in good condition and are not leaking. When carrying "DANGER" or "WARNING" pesticides under pressure, unshielded, flexible hoses must not pass through the cockpit of an airplane.

C Proper Tank Cover. 3CCR ' 6742(b)(1).

Scope: All equipment used by employees to apply or mix and load pesticides.

Exemptions: None

C Shut-Off Device and Sight Gauge. 3CCR ' 6742(b)(3) and (4).

Scope: Each tank, with a capacity of more than 49 gallons, that is used to mix or apply any liquid mixture derived from a pesticide with the signal word “DANGER” or “WARNING”.

Exemptions: Tanks with the capacity of less than 49 gallons. Pesticides with the signal word “CAUTION”.

L Check to see if the spray tank valves, couplings and transfer hoses are in good condition and are not leaking. When carrying “DANGER” or “WARNING” pesticides under pressure, unshielded, flexible hoses must not pass through the cockpit of an airplane.

L Mix tanks must have a shut-off device on the exit end of all hoses that carry dilute solutions of “DANGER” or “WARNING” pesticides.

Tanks that hold 50 gallons or larger must be equipped with some means of determining the internal liquid level, and are used for mixing and loading dilute solutions made from “DANGER” or “WARNING” materials. This can be accomplished by means of a properly functioning sight gauge (manometer) or transparent tanks. In lieu of this, the tank or filler hose must be equipped with a device that will be automatically shut-off before the pesticide mixture overflows

31. Closed System Used. 3CCR ' 6746(a), ' 6544, ' 6793, ' 6738(I)(4)

Scope:

- a. Employees who mix and load liquid “DANGER” pesticides for the production of an agricultural commodity;
- b. Employees who load diluted liquid mixes derived from dry “DANGER” pesticides for the production of an agricultural plant commodity;
- c. Pilots who operate aircraft and mix and load liquid “DANGER” or “WARNING” organophosphates and carbamates;
- d. Employees who mix and load minimal exposure pesticides;
- e. Employees who mix and load pesticides labeled for use only with a closed system;
- f. Handlers properly mixing pesticides in water-soluble bags are deemed to be using a closed system.

Exemptions:

- a. Owners or non-employees mixing and loading pesticides, unless it is a label requirement;
- b. Employees handling one gallon of material or less out of an original one gallon container per day;

- c. Regulatory personnel collecting samples of pesticides according to official sampling procedures.
- d. This section does not apply to spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, *Bacillus thuringiensis*, Berliner, sanitizers, disinfectants, and medical sterilants. Refer to 3 CCR ' 6402 and ' 6686 for details.

Employers must provide and assure employees use a closed system when they mix and load liquid formulations of “DANGER” pesticides for the production of an agricultural commodity, or when required by labeling or regulation. Closed systems must meet the Director’s criteria requirements. The opening of the container and the probe must seal. Couplings and fittings must be sufficiently tight to prevent leaks that may expose the employee. A system consisting of a probe without rinse capability is not a closed system. The handler must close the hatch cover on the mix tank before the transfer of dilute solutions. For additional information regarding closed systems, including the latest closed system supplier list, check Subject Index of the Manual of Procedural Guidance for Pesticide Enforcement Personnel and Pesticide Safety Information, Series A- 3.

Exceptions to PPE: Handler employers may allow handlers to omit some of the PPE listed on the pesticide labeling for a handling activity if the handlers are using a closed system.

When using a closed system to mix or load pesticides with the signal word “DANGER” or “WARNING”, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:

- Long-sleeved shirt and long pants, coveralls
- Shoes and socks,
- A chemical-resistant apron, and
- Protective gloves specified on the pesticide labeling for mixing, loading, and other handling tasks.
- When using a closed system to mix or load pesticides with the signal word CAUTION, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:
 - Long-sleeved shirt and long pants
 - Shoes and socks

Chapter 5: Commodity Fumigation Use Monitoring Inspection (PR-ENF-105)

Purpose

A Commodity Fumigation Use Monitoring Inspection form (PR-ENF-105) is used to monitor treatment of post harvest, potting soil, and stored agricultural commodities.

Evaluation of a fumigation activity provides information to better protect the public, pesticide handlers, and field workers. Due to the high toxicity of fumigants and nature of these substances, there are specific conditions designed to protect the public and the employees. These forms are designed to evaluate whether the property operator/licensed applicator is following these conditions to mitigate any possible hazard to persons, non-target animals, and property. In addition to the permit conditions, requirements of laws and regulations are listed.

In a Commodity Fumigation Use Monitoring Inspection form, depending on the site, there are **thirty (30)** criteria items listed to identify the compliance level at that fumigation site. It is essential to understand the permit conditions, when applicable, and individual requirements of each item to perform a quality evaluation of a fumigation activity.

Review to the “General Procedures” section of this manual for more information regarding Header information, how to fill out the form, and other items common to all inspections.

Special Header Information

- **Business Type**
 - Note: Both agricultural and structural PCB can perform certain types of commodity fumigations.
 - Boxes for UNL (unlicensed) and N/R (not required) are provided if a person/business required to be licensed is fumigating without a valid license, or a license is not required.
- **Fumigation Method**
 - Fill in applicable description (chamber, tarp w/bin, tarp w/o bin, etc.)
- **Commodity/Site**
 - Include the type of commodity treated and the site (ex: warehouse, chamber, van, sea container).

- **Buffer Zones – Treatment/Aeration**

- Check the appropriate box for the type of inspection performed.
- **Buffer Zone Distance:**
 - For commodity fumigations other than Methyl Bromide, refer to permit conditions. Check N/A box if this is a chamber fumigation and the BZ requirement is not applicable.
 - For Methyl Bromide fumigations, refer to the Commodity Fumigation Reference Manual and the most recent permit conditions for the calculations and buffer zone tables to verify the buffer zone is the required distance.

- **Wind Velocity:** Write N/A if this is a chamber fumigation.

Violation Notice # (2 fields):

Two spaces for noting Violation Notice numbers are provided on this form for instances when both pest control businesses, property operators, and/or other individuals are cited. For database purposes, please indicate in the Remarks section which NOV number corresponds to which party was issued that NOV.

Inspection Acknowledged By: The signature that should be obtained is that of the person onsite. Check the appropriate box to indicate whether the person signing is an employee or the owner. You do not need a signature from the owner if he/she is not onsite.

Criteria Items

1. **Pest Control Business Registered in County– FAC ' 11732**

Scope: All persons performing pest control for hire.

Exemptions: None

☞ Check your office records for PCB registration with your county. Is it valid for the current year?

2. **Registered Label Available at Use Site – 3CCR ' 6602**

Scope: All pesticides.

Exemptions: None.

☞ Registered labeling covering the intended use must be available at the use site. Registered labels include a Special Local Need (SLN), a Section 18, and a published

University of California recommendation. A specimen label does not meet this requirement.

3. **Notice of Intent (NOI) Submitted** – 3CCR ' 6434

Scope: The operator of a property, the operator's authorized representative, or a pest control business for non-agricultural use of pesticides requiring a permit.

Exemptions: For methyl bromide fumigations, there is no exemption. Other fumigants only if complete information is given at the time of permit issuance.

☞ The NOI can be submitted by the operator of the property, his authorized representative or by a pest control business, but the permittee is ultimately responsible for submission of the NOI. Review the permit conditions for NOI requirements. In some cases involving ongoing use, a fumigant use schedule may be substituted for individual or daily NOIs.

☞ If an NOI is required, has it been properly completed prior to the application? For Methyl Bromide fumigations, are any environmental changes noted? You may need to review this requirement at the office before/after going to the site.

4. **Restricted Materials Use Supervised** – 3CCR ' 6406

Scope: The use of Federal or California Restricted Materials.

Exemptions: None.

☞ The certified applicator must be available to direct and control an application by the non-certified applicator. Some labels require use by a certified applicator only, or the certified applicator to be physically present (personal or visual control) during the application. Does the person in charge of the fumigation have the authority and is able to stop the application when conditions (weather, odor, etc.) warrant?

5. **Complies with Permit Conditions** – FAC ' 12973

Scope: All restricted materials with permit conditions.

Exemption: Non-restricted fumigants (such as Eco 2 Fume).

☞ For **commodity fumigation of methyl bromide**, look for the application rate, gas-tight fumigation lines, buffer and aeration zones, and aeration period, then compare your observations with the permit conditions. Is the maximum amount of the fumigant less than 1000 pounds in a 24 hour period? No person is allowed to be inside an enclosed space, or inside enclosures that share a common wall with the fumigation chamber, during the fumigation.

If the application is introduced from an enclosed room, applicators must use nitrogen or compressed air to purge fumigant lines prior to changing cylinders. Note if the control room is mechanically ventilated during the fumigation and whether workers are present. If the aeration is initiated manually, the applicator must wear a self-contained breathing apparatus (SCBA). For initiation of remote control aeration, the applicator is exempt from wearing SCBA.

The methyl bromide concentration in enclosed areas must be verified by a detection device as less than 5 parts per million before persons may enter without SCBA. **When methyl bromide is present at less than 5 parts per million, no individual may be inside the enclosed area without SCBA for more than 1 hour in a 24 hour period.** For more detailed instructions, refer to your latest permit conditions and guidelines for methyl bromide commodity fumigation.

☞ For other fumigants, review the permit conditions and make sure the conditions are followed. SLN labeling may have specific requirements, such as use of a fumigant detection device during the fumigation and buffer zone requirements, for the use of Sodium Cyanide on citrus enroute to other states).

6. **Labeling – Aeration/Reentry - FAC ' 12973.**

Scope: All fumigant uses.

Exemptions: None.

☞ Check N/A if this is an application inspection. Review the label to determine compliance with label requirements. Workers are not allowed to enter the treated area during aeration except under the conditions stated in #5. Review the label for early entry requirements.

7. **Labeling – Site/Rate/Buffers/Other – FAC ' 12973.**

Scope: All pesticide uses.

Exemptions: For uses not considered “conflict with labeling”, review the definition in 3CCR ' 6000.

☞ Review the label to determine if the site is listed on the label, the rate is appropriate for the site, any information relating to other criteria requirements and that a label-required buffer zone is observed. Review the label for other restrictions such as soil condition and temperature.

8. **Labeling – Personal Protective Equipment (PPE) - FAC ' 12973.**

Scope: All pesticide uses.

Exemptions: None.

☞ Review the label and determine what PPE is required. Both employees and employers are required to comply with PPE requirements specified on the label. Observe the employee handlers to see if they are wearing the label-required PPE such as gloves, respirators, eye protection, boots, rain suit, or apron. If the employee handlers are not wearing all required PPE, ask them if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately.

☞ Failure of employers (or certified employees when PPE is provided) to wear safety equipment required by the label is a use in conflict and is a non-compliance. Failure of non-certified employees to wear safety equipment required by the label is a use in conflict and may also be a non-compliance of applicable worker safety regulations.

9. **Regulations - Personal Protective Equipment (PPE) - 3CCR ' 6738.**

Scope: All employees handling pesticides.

Exemption: Owners/employers.

☞ The employer must provide and maintain PPE. The employer must assure the use of PPE by employees who handle pesticides.

☞ Review 3CCR ' 6738 for more information regarding the requirements for the following PPE; compare each subsection to the fumigant label for any PPE that must not be worn when using that product:

- **PPE, Eyewear Provided and Used.** 3CCR ' 6738(a)(b)

☞ For some fumigants, goggles or full-face shield is required just during the introduction of the fumigant.

- **Chemical Resistant Gloves Provided and Used.** 3CCR ' 6738(a)(c)

☞ Methyl Bromide is one example of a fumigant that prohibits wearing gloves during introduction of the fumigant.

- **Other PPE, Boots / Headgear / Apron / Respirator.**
3CCR ' 6738(a)(d)(e)(h)

☞ The employer must select the respiratory equipment specified on the product label. Check to see that the proper cartridges are being used. Are they clean? Also check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing?

In what condition are the straps and rubber face piece? Are they providing an adequate seal? When SCBA is required, is there sufficient air in the tank?

☞ When methyl bromide fumigation is commenced from an enclosed space for commodity treatment, the handler(s) must wear SCBA.

Footwear 3CCR ' 6738(a)(d)

L The employer shall assure that chemical resistant shoes, boots, or shoe/boot coverings are worn when the pesticide labeling specifies the use of chemical resistant footwear.

Headgear 3CCR ' 6738 (e)

L The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be worn.

Apron 3CCR ' 6738 (f)

L The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

10. Suitable Methods / Manner / Climate - 3CCR ' 6600

Scope: All pesticide applications.

Exemptions: None.

☞ Are methods and equipment suitable? How is the fumigation being monitored during and after the application? Are the buffer zones being observed and are the workers aware of the fumigation? If a tarp is used, does the person in charge follow the tarp repair requirements of the work plan? What is the wind speed? Did you determine that the precautions taken during and after the application were sufficient to protect humans and the environment?

11. Accurate Measurement - 3CCR ' 6604

Scope: All pesticide applications and mix/load.

Exemptions: None.

☞ Ask the applicator how he/she adjusts the flowmeter to achieve the desired rate. Document your observations (e.g., equipment and manufacturer's name and how the flowmeter is being adjusted).

12. Protection of Persons / Animals / Property - 3CCR ' 6614

Scope: All pesticide applications.

Exemptions: None.

☞ Prior to and while making the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds and inversions are examples of conditions that may cause offsite movement problems. How close is the site to residential areas? Are there any workers near the site during the fumigation?

13. Handler(s) Trained - 3CCR ' 6724

Scope: All employees handling pesticides.

Exemption: Owners and non-employees handling pesticides. Certified applicators are considered "trained" (3CCR ' 6724(d). Check "Yes" for this item if the handler meets the criteria for a certified applicator.

☞ Employers must train non-certified employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12 month period) thereafter. Ask the employee/handler if he/she received training prior to handling the pesticide and who provided the training. Where and when was the training given?

☞ Observe how the handler is performing his/her task. Does the applicator follow the fumigant label directions, take precautions before and during the fumigation, monitor the weather conditions and application equipment, and is aware of the activities in the vicinity of the fumigation as you would expect from someone who has been trained in all the requirements?

14. Emergency Medical Care Posting. 3CCR ' 6726.

Scope: All employees handling pesticides.

Exemptions: Owners or non-employees handling pesticides.

☞ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care if the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no

additional information is inadequate, as is the displaying of “911”. Medical information in an employee’s wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee. However, it is not posted and therefore does not meet the requirement.

15. Decontamination Facility / Eyewash Available - 3CCR ' 6734

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity. For non-production agriculture, employees handling pesticides with the signal word “DANGER” or “WARNING”.

Exemptions: Owners and non-employees handling pesticides.

☞ Sufficient water, soap, and single use towels must be available at the mixing and loading site. The amount of water outlined by the federal guidelines in the Worker Protection Standard for Agricultural Pesticides, “How To Comply Manual” (pages 29-31), recommends at least one gallon for each worker at the site. For handlers, at least three gallons of water is recommended for each handler using the site. The employer must also assure that one clean change of coveralls is available at the mix/load site. (See the federal How To Comply manual, Unit 3, for more WPS decontamination information)

☞ For nonproduction agriculture, the decontamination site shall be within **100 feet** of the mix/load site when employees are handling signal word “DANGER” or “WARNING” pesticides.

☞ The requirement for a pint of eyewash to be available does not apply to nonproduction agriculture (check N/A).

16. Employee Exposure > PEL - Respiratory PPE Provided - 3CCR ' 6780 (a).

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

☞ The employer shall provide and require the employee to wear approved respiratory protective equipment when fumigant concentrations cannot be controlled, and an employee’s exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment. For more information on respiratory equipment, refer to your Manual of Procedural Guidance for Pesticide Enforcement Personnel pages 131-135.

17. SCBA Worn / Continuous Monitoring / Plan Followed - 3CCR ' 6780 (b)&(c)

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

☞ 3CCR ' 6780 (b)(c) - Whenever an employee may be exposed above an exposure standard to methyl bromide, or other fumigants for which only air-supplied respirator equipment is approved, the employer shall either:

- require the use of SCBA
- employ continuous monitoring (i.e., permit conditions for methyl bromide)
- other plan, method, or work practices approved by the Director*. Do the employees wear SCBA when entering an unknown atmosphere?

☞ 3CCR ' 6780 (c) – *The Director may accept a Fumigation Safety Program that describes methods, work practices, devices or processes that the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL. Familiarize yourself with the methyl bromide permit conditions that have specific requirements for the number of SCBA at the use site, when to utilize the SCBA, and method of ventilation.

18. **Accident Response Plan at Worksite** - 3CCR ' 6780 (d).

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

Ⓙ In the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc. other than normal operating conditions), the employer shall have an accident response plan at the worksite to protect employees. At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. The second is information on whom to contact in the event of a problem. Contacts may include the operator of the property, fire department, health department, hazardous materials response team, etc.

Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. General information on spills and leaks are available on the label, and should be referenced in the plan.

Ask the handlers what actions they would take if an accident, leak, etc., occurred. If handlers refer to the appropriate section on the label and produce phone numbers of persons to contact in an emergency, they are probably informed of an Accident Response Plan.

19. **Two Trained Employees** - 3CCR ' 6782 (a).

Scope: Fumigations of enclosed spaces involving employees.

Exemption: Owners and non-employees.

☞ 3CCR ' 6782 (a) – At least two trained employees shall be present at all times when the fumigant is introduced into the enclosed spaces, the treated enclosure is entered for the purpose of facilitating aeration, and the treated enclosure is entered for monitoring purposes. For enforcement purposes, if the owner and one trained employee are present, check Yes for this item.

20. Trained Person(s) Present – Solid Fumigants - 3CCR ' 6782 (a)(1)

Scope: Fumigations of enclosed spaces involving employees.

Exemption: Owners and non-employees. For solid fumigants (including aluminum phosphide, magnesium phosphide, and cartridges), only one trained person is required to be present at the introduction site when the fumigant is introduced from outside the enclosed space.

☞ Two trained employees must be present if one enters the fumigated space to facilitate aeration or determine the concentration level.

21. Warning Signs Posted, Required Information - 3CCR ' 6782 (c)

Scope: Fumigation of enclosed spaces involving employees.

Exemptions: Owners and non-employees.

☞ Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation. Signs shall not be removed until fumigation and ventilation have been completed. The signs must indicate the date and time of fumigation injection, name of the fumigant, address and telephone number of the applicator performing the fumigation. Warning signs must be of specific letter size and design.

22. Treated Area / Products Managed - 3CCR ' 6782 (f)

Scope: Fumigation of enclosed spaces involving employees.

Exemptions: Owners and non-employees.

☞ After the completion of the fumigation, the treated area shall be managed to prevent employee exposure. How is the treated area being managed? What precautions were taken to protect the worker(s) from being exposed to a concentration in excess of the Permissible Exposure Limit (PEL)? If the product label has more stringent requirements, make sure the requirements are met.

Note: See Appendix 3 for PEL information.

23. Methyl Bromide and /or Pic – Properly Enclosed Space - 3CCR ' 6452 (a)

Scope: Methyl Bromide and/or chloropicrin use on potting soil, soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment.

Exemptions: Owners and non-employees.

☞ The fumigation shall be done in a properly sealed fumigation chamber, railroad car, truck trailer, or under a gas-confining tarp approved by the commissioner or Director. Refer to permit conditions for specific tarp requirements and method of sealing.

24. Methyl Bromide and/or Pic - Site/Chamber Posted/Attended- 3CCR ' 6452(b)

Scope: Methyl Bromide and/or chloropicrin use on potting soil, soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment.

Exemptions: Owners and non-employees.

☞ Do the posting and content of the posting meet the permit condition requirements?
How long do the permit conditions require posting?

25. Equipment Registered - FAC ' 11732

Scope: Equipment used by a pest control business.

Exemptions: Structural PCO.

☞ Check for proper registration. Has the equipment been registered with your office?

26. Equipment Identified - 3CCR ' 6630.

Scope: Equipment used by a pest control business.

Exemptions: Property Operator.

☞ Equipment identification must be legible and marked with either the business name, or with “Licensed Pest Control Operator,” or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

27. Containers Secure and Under Control - 3CCR ' 6670.

Scope: All pesticides, emptied containers, and equipment that hold or have held a pesticide.

Exemptions: All exempt materials listed per 3CCR ' 6402. Refer to 3CCR ' 6402 and ' 6686 for details.

☞ Equipment or containers that hold or have held pesticides must not be stored, handled, or disposed of in such a manner as to present hazards to persons, animals, food, feed, or property. Pesticide containers are considered unattended if personal control over them is not maintained at all times. Fumigants must be locked at all times when unattended. Are fumigants and their containers properly attended? (Note: Containers that have been triple rinsed per 3CCR ' 6684 do not need to have lids or closures securely tightened.)

28. Pesticide Containers Properly Labeled - 3CCR ' 6676.

Scope: Storage and transportation of any container that holds or has held a pesticide.

☞ Exemptions: Service containers with appropriate service container labeling (per 3CCR ' 6678). Does not apply to measuring devices that are not used to store or transport a pesticide.

29. Proper Containers - 3CCR ' 6680.

Scope: All pesticides.

Exemptions: None.

☞ Pesticides must not be stored in food, drink, feed, or household product containers. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

30. Proper Pesticide Transportation - 3CCR ' 6682.

Scope: All pesticides.

Exemptions: None.

☞ Check the inside of the operator's service vehicle for any pesticides or pesticide containers. Some fumigant labels require the container be in an upright position and/or chained during transportation. Containers must be secured to prevent any spillage.

Chapter 6: Field Fumigation Use Monitoring Inspection (PR-ENF-106)

Purpose

A Field Fumigation Use Monitoring Inspection is an evaluation of fumigation activity at various sites such as:

- Field
- Greenhouse
- Tree hole
- Raised tarp at nursery
- Golf course

If the fumigation is performed on a postharvest commodity, equipment, or for industrial purposes, then the Commodity Fumigation Use Monitoring Inspection Form (PR-ENF-105) should be used. Examples of fumigants used in field fumigations include, but are not limited to, Telone, Metam Sodium, and Methyl Bromide.

Evaluation of a fumigation activity provides information to better protect the public, pesticide handler(s), and field workers. Due to high toxicity of fumigants and nature of these substances, there are specific conditions designed to protect the public and the employees. These forms are designed to evaluate whether the property operator is following these conditions to mitigate any possible hazard to persons, non-target animals, crops, and property. In addition to the permit conditions, requirements of laws and regulations are listed.

In a Field Fumigation Use Monitoring Inspection form, depending on the site, there are **thirty-six (36)** criteria items listed to measure the compliance level. It is essential to understand the permit conditions, when applicable, and individual requirements of each item to perform a quality evaluation of a fumigation activity.

Procedures

Review to the “General Procedures” section of this manual for more information regarding Header information, how to fill out the form, and other items common to all inspections.

SPECIAL HEADER INFORMATION

- **Business Type**
 - Note: For Agricultural PCB, include the business license number. Check box for whether site is production ag or “other”.
 - Boxes for UNL (unlicensed) and N/R (not required) are provided if a person/business required to be licensed is fumigating without a valid license, or a license is not required.
- **Fumigation Method**

- For Methyl Bromide, indicate the method per 3CCR ' 6450.3 (ex: Hot Gas, Tarp/Shallow/Bed). For other fumigants, write shank (bed), shank (tarp), etc.
- **Commodity/Site**
 - Include the type of commodity treated and the site (ex: tomato preplant).
- **Buffer Zones –Inner/Outer**
 - Buffer Zone Distance Required:
 - Refer to most recent permit conditions (and workplan calculations where applicable) for that fumigant.
 - Measure the buffer zone(s) (ex: inner and outer) in feet and document the measured distances.
- **Wind Velocity:** Note the wind velocity and direction.

Criteria Items

1. **PCB Registered** – FAC ' 11732

Scope: All persons performing pest control for hire.

Exemptions: None

☞ Check your office records for PCB registration with your county. Is it valid for the current year?

2. **Registered Label Available at Use Site** – 3CCR ' 6602

Scope: All pesticide uses.

Exemptions: None.

☞ Registered labeling covering the intended use must be available at the use site. Registered labels include any applicable Special Local Need, Section 18, and a published University of California recommendation. A specimen label does not meet this requirement. (Note: If the registered label requires following specific instructions in a treatment manual (ex: USDA), a technical information bulletin such as those for Telone or Metam Sodium, or other document, then that manual or document must also be onsite to be in compliance.)

3. **Notice of Intent (NOI) Submitted** – 3CCR ' 6434

Scope: The operator of a property, the operator's authorized representative, or a licensed pest control business that will apply the pesticide, for agricultural uses requiring a permit.

Exemptions: For methyl bromide fumigations (agricultural and non-agricultural), there is no exemption. Other fumigants are exempt only if complete information is given at the time of permit issuance.

☞ The NOI can be submitted by the operator of the property, his authorized representative or licensed agricultural pest control adviser, or by a pest control business. Regardless of who submits the NOI for agricultural use, the property operator is ultimately responsible for NOI submission. In some cases involving ongoing use, a fumigant use schedule may be substituted for individual or daily NOIs.

☞ If an NOI is required, has it been properly completed prior to the application when required? Are any environmental changes noted? You may need to check this requirement at the office before/after going to the site.

4. **Restricted Materials Use Supervised** – 3CCR ' 6406

Scope: Use of any Federal or California Restricted Materials.

Exemptions: None.

The certified applicator must be available to direct and control the application by the non-certified applicator. Some labels require use by a certified applicator only, or specify use under the personal or visual control of a certified applicator, meaning the certified applicator must be physically present during the application. Does the person “in charge” of the fumigation have the authority and ability to stop the application when conditions (ex: weather, odor) warrant?

5. **Complies with Permit Conditions** – FAC ' 12973

Scope: All pesticide uses requiring a permit.

Exemption: None.

☞ Review the most recent CAC permit conditions and check to make sure that the buffer zone(s), application rate, method, posting, and all other specific permit conditions are observed.

☞ For Methyl Bromide fumigations:

- ✓ Were notifications provided to the adjacent properties within the 9 day requirement?
- ✓ Have you received an NOI 48 hours prior to the application?
- ✓ Does the permittee follow the tarp repair plan?

☞ For **greenhouse and nursery (raised tarp) fumigations**, review the permit conditions before going to the fumigation site. Observe the buffer zones and workers’

activities in the surrounding area. Make sure no one is working within the buffer zone area. Look for all information required on posting.

☞ Some counties require that Telone and Metam Sodium applicators must receive specific training before handling these fumigants (review your county's permit conditions).

☞ Document any non-compliance of reentry intervals required by labeling and permit conditions under "Complies with Required Labeling" (FAC ' 12973).

6. Labeling – Aeration/Reentry - FAC ' 12973.

Scope: All fumigant uses with aeration/reentry label requirements.

Exemptions: Refer to pesticide label and 3CCR ' 6770.

☞ Check N/A if this is an application inspection. Review the label to determine compliance with aeration and reentry requirements. Workers are not allowed to enter the treated field or area during the restricted entry interval, except as permitted in 3CCR ' 6770-71. Review the label for early entry Personal Protective Equipment (PPE) requirements.

7. Labeling – Site/Rate/Buffers/Other – FAC ' 12973.

Scope: All pesticide uses.

Exemptions: For uses not considered “conflict with labeling”, review the definition in 3CCR ' 6000.

☞ Review the label to determine if the site is listed on the label, the rate is appropriate for the site, and information relating to equipment and other criteria requirements. Review the label for other restrictions such as those pertaining to soil moisture condition and temperature (ex: Metam Sodium and Telone). Also check to make sure the label instructions for that use do not conflict with current permit conditions for that pesticide.

8. Labeling – Personal Protective Equipment (PPE) - FAC ' 12973.

Scope: All pesticide uses.

Exemptions: None

☞ Review the label and determine what PPE is required. Both employees and employers are required to comply with PPE requirements specified on the label. Observe the employee handlers to see if they are wearing the label-required PPE such as gloves, respirators, eye protection, boots, rain suit, or apron. If the employee handlers are not

wearing all required PPE, ask them if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately.

☞ Failure of employers or property operators (or certified employees when PPE is provided) to wear safety equipment required by the label is a use in conflict and is a non-compliance. Failure of non-certified employees to wear safety equipment required by the label is a use in conflict and may also be a non-compliance of applicable worker safety regulations.

☞ For Methyl Bromide fumigation, two (2) Self-Contained Breathing Apparatus (SCBA) units are required by the label for emergency entry. If two units are not available at the site, it is a non-compliance.

☞ Tree Hole fumigation – PPE need not be routinely worn during tree hole fumigation if the label only requires PPE to be used in case of a spill or leak. An SCBA must be available at the worksite. A second SCBA is not necessary unless specifically required by labeling (See Manual For Procedural Guidance for Pesticide Enforcement Personnel, Worker Safety chapter, under Tree Hole Fumigation).

9. **Coveralls - Danger/Warning – 3CCR ' 6736 (c):**

Scope: All employees handling “Danger” or “Warning” fumigants when the pesticide label expressly requires the use of coveralls.

Exemption: Owners and employers.

☞ Review 3CCR ' 6000 for the definition of coveralls. Check N/A for this item if employee handlers are using fumigants where coveralls are either **not** required or are prohibited by the fumigant label.

10. **Regulations - Personal Protective Equipment (PPE) - 3CCR ' 6738.**

Scope: All pesticide uses involving employees.

Exemption: Owners and employers.

☞ The employer must provide and maintain PPE. 3CCR ' 6738(b) lists exceptions to eye protection requirements, and 3CCR ' 6738(i) lists various PPE substitutions that can be made when handlers are using a closed system.

☞ Handlers are exempt from certain PPE requirements when applying products with a label that specifically prohibits certain PPE.

☞ Review 3CCR ' 6738 for more information regarding the requirements for the following PPE; compare each subsection to the fumigant label for any PPE that must not be worn when using that product:

- **PPE, Eyewear Provided and Used.** 3CCR ' 6738(a)(b)

☞ For some fumigants, goggles or full-face shield is required just during the introduction of the fumigant.

- **Chemical Resistant Gloves Provided and Used.** 3CCR ' 6738(a)(c)

☞ Methyl Bromide is one example of a fumigant that prohibits wearing gloves during introduction of the fumigant.

- **Other PPE, Boots / Headgear / Apron / Respirator.**
3CCR ' 6738(a)(d)(e)(h)

☞ The employer must provide and assure that employees use the respiratory equipment specified in the regulations. Check that the proper cartridges are being used. Are they clean? Also, check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing? In what condition are the straps and rubber face pieces? Are they providing an adequate seal? When SCBA is required, is there sufficient air in the tank?

Footwear 3CCR ' 6738(a)(d)

L The employer shall assure that chemical resistant shoes, boots, or shoe/boot coverings are worn when the pesticide labeling specifies the use of chemical resistant footwear.

Headgear 3CCR ' 6738 (e)

L The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be worn.

Apron 3CCR ' 6738 (f)

L The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

☞ Handlers working in an enclosed cab shall have all PPE required by pesticide product labeling immediately available and stored in a chemical resistant container. PPE must be worn only if it becomes necessary to work outside the cab and contact treated areas.

☞ For Methyl Bromide field fumigations, the following individuals are considered handlers:

- employees involved in assisting with covering the tarpaulin at the end of the rows (shoveling)
- observing the overall operation
- checking the tarpaulin placement
- changing cylinders (copiloting)
- operating application equipment (driving)
- tarpaulin cutting and removal (tarp pullers are considered handlers per 3CCR ' 6784(b)(1))

☞ When Methyl Bromide fumigation is commenced from an enclosed space (e.g. inside the greenhouse), the handler(s) must wear Self Contained Breathing Apparatus (SCBA). See ENF 94-017, greenhouse applications page 5, for further information.

11. **Suitable Methods / Manner / Climate** - 3CCR ' 6600

Scope: All pesticide applications.

Exemptions: None.

☞ Are methods and equipment suitable? Fumigants will sometimes list specific types of valves, diameter of tubing, flowmeters, etc. Check to see that equipment used falls within label specifications.

☞ What is the wind speed? Most fumigant labels prohibit application during high winds due to increased potential for offsite movement, odor, and/or rapid evaporation. Evaluate both wind velocity and direction in relation to surrounding areas with fieldworkers, sensitive sites, etc.

☞ Check for soil moisture by following label instructions for the “feel” method using a handful of soil (see Telone and Metam Sodium labels). Fumigant labels will usually list specific temperatures or range for soil and/or ambient air for the application.

☞ Does the chemigation equipment work properly? For the shank injection method, were the lines purged before the shanks were removed from the ground?

☞ How is the fumigation being monitored during and after the application? Does any worker walk behind the methyl bromide rig? Do shovelers and other employees without respiratory protection remain outside the treated area? Are the buffer zones being observed, and are workers in surrounding areas aware of the fumigation?

Did you determine that the precautions taken during and after the application were sufficient to protect humans and the environment?

12. **Accurate Measurement** - 3CCR ' 6604

Scope: All pesticide uses.

Exemptions: None.

☞ Ask the applicator how he/she adjusts the flowmeter to achieve desired rate. Document your observations (e.g., equipment and manufacturer's name and how the flowmeter is being adjusted).

13. Protection of Persons / Animals / Property - 3CCR ' 6614

Scope: All pesticide uses.

Exemptions: None.

☞ Prior to and during the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds and inversions are examples of conditions that may cause offsite movement problems. How close is the site to residential areas or susceptible crops? Are there any fieldworkers near the site during the fumigation?

14. Handler(s) Trained - 3CCR ' 6724

Scope: All employees handling pesticides.

Exemption: Owners and non-employees handling pesticides. Certified applicators are considered "trained" (3CCR ' 6724(d)). Check "Yes" for this item if the handler meets the criteria for a certified applicator.

☞ Employers must train non-certified employees before they handle pesticides, and repeat training at least annually thereafter (12 month period). Ask the handler if he/she received training prior to handling the pesticide, who provided the training, and when was the training given.

Observe how the handler is performing his/her task(s). Does the handler follow the label directions and utilize the PPE? Does he/she take all precautions necessary before and during the fumigation, such as monitoring the weather conditions, checking application equipment, and is aware of the activities in the vicinity of the fumigation, as you would expect from someone who has been trained in all the requirements?

15. Emergency Medical Care Posting - 3CCR ' 6726.

Scope: All employees handling pesticides.

Exemptions: Owners or non-employees handling pesticides.

☞ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility.

For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care if the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate, as is the displaying of "911". Medical information in an employee's wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee. However, it is not posted and therefore does not meet the requirement.

16. Employees, Working Alone, "Danger" - 3CCR ' 6730

Scope: Employees handling "DANGER" (Category I) pesticides for production agriculture.

Exemptions: Owners and non-employees handling pesticides.

☞ When working in the same field, ground applicators are deemed to be working together if they can see each other or each other's application vehicle. The employer must assure that someone contacts a lone handler at least once every two hours during daylight hours and once every hour at night. This supervision can be in person, by radio, or telephone contact.

17. Decontamination Facility / Eyewash Available - 3CCR ' 6734

Decontamination Facility

Scope: For production agriculture, employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the label requires protective eyewear.

For nonproduction agricultural use, employees handling pesticides with the signal word "DANGER" or "WARNING".

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

☞ Sufficient water, soap, and single use towels must be available at the mixing and loading site. The amount of water outlined by the federal guidelines in the the Worker Protection Standard for Agricultural Pesticides, "How to Comply Manual" (pages 29-31), recommends at least one gallon for each worker at the site. For handlers, at least three gallons of water is recommended for each handler using the site. The employer must also assure that one clean change of coveralls is available at the mix/load site. (See the federal How To Comply manual, Unit 3, for more WPS decontamination information.)

☞ Each handler must be within 1/4 mile of a decontamination facility unless prohibited by lack of vehicular access.

☞ For uses other than production agriculture, the decontamination site shall be within **100 feet** of the mix/load site when employees are handling signal word “DANGER” or “WARNING” pesticides.

Eyewash Available - ' 6734(c)

Scope: For commercial or research production of an agricultural plant commodity, if the pesticide label requires protective eyewear.

Exemptions: Owners and non-employees handling pesticides.

☞ Eyewash shall be immediately available, meaning each handler shall carry one pint of water (on the handler or on the vehicle) for emergency eye flushing. If eyewash is available, but the label does not require protective eyewear, check N/A for this item.

18. Field Posting - 3CCR ' 6776

Scope: Property operator is responsible to post treated fields:

- When "Danger" fumigants are applied through an irrigation system
- When a fumigant is applied to a field

Exemptions: None.

☞ Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See 3CCR ' 6776(d) for additional information on posting requirements.

☞ See CCR ' 6776(f) and the fumigant label for the required language on fumigation signs.

19. Gas Concentration Controlled and Monitored - 3CCR ' 6780 (a)(b).

Scope: All fumigant use involving employees.

Exemptions: Owners and non-employees. 3CCR ' 6780(c) allows alternatives approved by the Director, but there are none approved at this time.

☞ 3CCR ' 6780 (a) - The employer shall provide and require the employee to wear approved respiratory protective equipment when fumigation concentrations cannot be controlled, and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, 3CCR, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling. (For more information on respiratory equipment, refer to your Manual of Procedural Guidance for Pesticide Enforcement Personnel pages 131-135.)

☞ 3CCR ' 6780 (b) (c)- Whenever an employee may be exposed above an exposure standard to methyl bromide, or other fumigants for which only air-supplied respirator equipment is approved, the employer shall either:

- require the use of SCBA
- employ continuous monitoring (see permit conditions for methyl bromide and metam sodium requirements), or other plan, method, or work practices developed by the Director—refer to the latest enforcement letter. Do the employees wear SCBA when entering an unknown atmosphere?

☞ Labels that require air concentration levels to be measured/monitored may specify certain devices to be used such as Draeger, Matheson-Kitagawa, or Sensidyne.

20. Accident Response Plan at Worksite - 3CCR ' 6780 (d).

Scope: All fumigant use.

Exemptions: Owners and non-employees.

L In the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc. other than normal operating conditions), the employer shall have an accident response plan at the worksite to protect employees. At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. The second is information on whom to contact in the event of a problem. Contacts may include the operator of the property, fire department, health department, hazardous materials response team, etc.

Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. General information on spills and leaks are available on the label, and should be referenced in the plan.

Ask the handlers what actions they would take if an accident, leak, etc., occurred. If handlers refer to the appropriate section on the label and produce phone numbers of persons to contact in an emergency, they are probably informed of an Accident Response Plan.

21. Equipment Registered - FAC ' 11732

Scope: Equipment used by a pest control business.

Exemptions: None.

☞ Check for proper registration. Has the equipment been registered with your office?

22. Equipment Identified - 3CCR ' 6630.

Scope: Equipment used by a pest control business.

Exemptions: None.

☞ Equipment identification must be legible and marked with either the business's name, or with "Licensed Pest Control Operator," or substantially similar wording and the pest control operator license number of the person of firm. The markings shall be large enough to be readable at a distance of 25 feet.

23. Equipment Safe to Operate - 3CCR ' 6600(a).

Scope: All equipment used in pesticide operations.

Exemptions: None.

☞ Is equipment in good repair? Do you observe any pesticide leaking from tanks, hoses, etc.? Are the fittings, tank covers, and lines tight?

24. Backflow Prevention, Air Gap - 3CCR ' 6610.

Scope: All pesticide equipment, including nurse rigs, that draw water from an outside source.

Exemptions: Nurse rigs are exempt when carrying only water to other equipment.

☞ Each piece of application equipment that handles pesticides and draws water from an outside source (river, creek, ditch, water well, supply line, etc.) must be equipped with some type of backflow prevention device. Check to see if the equipment is operating. Check with the local water purveyor for any additional requirements.

☞ Title 17 of CCR ' 7583 contains criteria for the following examples of devices to prevent backflow or reverse siphoning:

- Air Gap Separation – physical break between the supply line and the receiving vessel.
- Double-Check Valve Assembly – an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve and test cocks available for testing the water tightness of each check valve.
- Reduced Pressure Principle Backflow Prevention Device – backflow prevention incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

☞ How does the backflow prevention system for Metam Sodium and Telone applications work? When a backflow prevention device is required, is it operating properly?

☞ See U.S. E.P.A. Pesticide Registration (PR) Notice 87-1, ENF 01-12, and ENF 01-28 for more information, and check product label(s) for other backflow device requirements.

25. Cover/Shut Off /Sight Gauge - 3CCR ' 6742.

Cover

Scope: All pesticide tanks with capacity of more than 49 gallons used by employees.

Exemptions: Pesticide tanks used by owners and non-employees.

☞ All openings on tanks shall be equipped with a cover that is properly fitted to prevent splashes and spills. Record whether or not the equipment has a cover that is properly closed to prevent splashing during mixing and loading and during an application.

Shut Off /Sight Gauge

Scope: All equipment used by employees for mixing and loading “DANGER” or “Warning” pesticides. Mix tanks must have a shut-off device on the exit end of all hoses that carry dilute solutions of “DANGER” or “WARNING” pesticides.

Exemptions: Pesticide tanks used by owners and non-employees.

☞ The pesticide tank shall have either:

- A properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or
- The tank or the filler hose nozzle shall have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

☞ Shut-off devices shall be installed on the exit end of all hoses carrying liquid pesticides. A device must prevent employee exposure when disconnecting the hose at the end of the filling operation. The device shall consist of a dry coupling or an alternative device such as a reverse action pump.

☞ Tanks must be equipped with some means of determining the internal liquid level when they have a capacity of 49 gallons or more and are used for mixing and loading dilute solutions made from “DANGER” or “WARNING” materials. This can be accomplished by means of a properly functioning sight gauge (manometer) or transparent tanks. In lieu of this, the tank or filler hose must be equipped with a device that will be automatically shut-off before the pesticide mixture overflows.

26. Closed System – Meets Criteria - 3CCR ' 6746.

Scope:

- Employees who mix and load liquid “DANGER” pesticides for the production of an agricultural commodity
- Employees who mix and load minimal exposure pesticides
- Employees who mix and load pesticides labeled for use only with a closed system

Exemptions:

- Owners or non-employees mixing and loading pesticides, unless it is a label requirement
- Employees handling one gallon of material or less out of an original one gallon container per day ' 6746(b)(1).
- Regulatory personnel collecting samples of pesticides according to official sampling procedures ' 6746(b)(2). (See Manual For Procedural Guidance for Pesticide Enforcement Personnel)

☞ Employers must provide and assure employees use a closed system when they mix and load liquid formulations of “DANGER” pesticides for the production of an agricultural commodity, or when required by labeling or regulation (see permit conditions for Methyl Bromide hot gas method, Telone, and Metam Sodium). Closed systems must meet the Director=s criteria requirements. The opening of the container and the probe must seal. Couplings and fittings must be sufficiently tight to prevent leaks that may expose the employee.

☞ A system consisting of a probe without rinse capability is not a closed system. The handler must close the hatch cover on the mix tank before the transfer of dilute solutions. For additional information regarding closed systems, check the Manual For Procedural Guidance for Pesticide Enforcement Personnel, and Pesticide Safety Information, Series A- 3.

☞ Exceptions to PPE: Handler employers may allow handlers to omit some of the PPE listed on the pesticide labeling for a handling activity if the handlers are using a closed system (see also ' 6738(b) for exceptions and ' 6738(i) for the list of permitted substitutions).

When using a closed system to mix or load pesticides with the signal word DANGER or WARNING, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:

- Long-sleeved shirt and long pants, coveralls
- Shoes and socks
- A chemical-resistant apron
- Protective gloves specified on the pesticide labeling for mixing, loading and other handling tasks.

27. Containers Secure and Under Control - 3CCR ' 6670.

Scope: All pesticides, emptied containers, and equipment that holds or has held a pesticide.

Exemptions: Refer to 3CCR ' 6402 (Exempt Materials) and ' 6686 for details.

☞ Equipment or containers that hold or have held pesticides must not be stored, handled, or disposed of in such a manner as to present hazards to persons, animals, food, feed, or property. Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times.

☞ Fumigants must be locked at all times when unattended. For methyl bromide tanks, merely closing the bonnet without otherwise locking or securing it is insufficient to meet this requirement.

☞ Containers that have been triple rinsed per 3CCR ' 6684 do not need to have lids or closures securely tightened.

28. Pesticides Properly Labeled – 3CCR ' 6676.

Scope: Any container that holds or has held a pesticide.

Exemptions: Service containers with appropriate service container labeling (see 3CCR ' 6678). Does not apply to measuring devices that are not used to store or transport a pesticide.

☞ Are all original pesticide containers (except service containers) carrying the registrant's label?

29. Proper Pesticide Transportation - 3CCR ' 6682.

Scope: All pesticides.

Exemptions: None.

☞ Check the inside of the operator's service vehicle for any pesticides or pesticide containers. Some fumigant labels require upright position and/or chaining during transportation. Containers must be secured to prevent any spillage.

30. Methyl Bromide Worksite Plan - 3CCR ' 6450.

Scope: Methyl Bromide field fumigations.

Exemptions: None.

☞ Make sure your office received a worksite plan 7 days prior to issuing a permit. Check to see if the application follows the worksite plan regarding all information as to method of application, application rate, acreage, description of notification procedures, tarpaulin repair response plan, tarpaulin removal plan, and identification of each application block. Determine if the tarpaulin listed meets 3CCR ' 6450(f).

☞ If the applicator is a PCB, check **N/A** for this item on the inspection form, and note in Remarks if the **property operator** is not in compliance with this section.

31. **Methyl Bromide Notification** - 3CCR ' 6450.1.

Scope: Methyl Bromide field fumigations.

Exemptions: None.

☞ Operator of the property to be treated is responsible to submit a notice of intent (NOI) to your office 48 hours prior to commencement of fumigation. If the fumigation does not commence within 12 hours of the intended fumigation time, a new NOI must be submitted. Operator of the property shall notify neighbors within 300 feet of the perimeter of the outer buffer zone that a permit to use methyl bromide near their property had been issued by the commissioner. Notification to neighbors must be given at least nine days in advance before the application begins; there is no waiver for this requirement. The notification shall include information listed in 3CCR ' 6450.1(b)(1).

☞ The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in 3CCR ' 6450.1(b)(1) who request specific fumigation information. Review 3CCR ' 6450.1(b)(2) for other NOI requirements.

☞ If the applicator is a PCB, check **N/A** for this item and note in Remarks if the **property operator** is not in compliance with this section.

32. **Methyl Bromide Buffer Zone Regulations** - 3CCR ' 6450.2.

Scope: Methyl Bromide field fumigations.

Exemptions: None.

☞ Make sure the operator of the property or the person making the application (e.g. the pest control business in charge of the fumigation) complies with the buffer zone requirements listed in the permit conditions. The buffer zone restrictions shall begin at the start of fumigation and remain in effect at least 36 hours after the completion of the injection to the application block.

☞ Observe and document if anyone is entering the inner buffer zone, and what activities they are performing. Only fumigation handlers and persons transiting through the area are allowed to be in the inner buffer zone. The operator of the property shall assure no other persons are allowed within the inner buffer zone.

☞ When the inner buffer zone extends into adjoining agricultural property, the property operator shall obtain written permission to extend the inner buffer zone into the adjoining property. The inner buffer zone boundaries shall be posted with signs as required by 3CCR ' 6450.2(e)(3)(A). The inner buffer zone may extend across sites (with commissioner approval) where only transit activities may occur, such as a public road; posting requirements would not apply in that area (3CCR ' 6450.2(e)(3)(B).

☞ The outer buffer zone shall be at least 60 feet. The operator of the property shall assure no person is allowed to enter the buffer zone except to transit, perform fumigation handling activities, and other activities allowed by permit conditions. The operator of the property shall notify onsite employees (including licensed pest control business and farm labor contractor) of the buffer zones.

When outer buffer zones extend to any adjacent property, the operator of the property shall obtain permission to extend the outer buffer zone into the adjoining property (permission need not be in writing).

☞ When a school property is within 300 feet of the perimeter of the outer buffer zone, the injection shall be completed 36 hours prior to the start of a school session.

33. Methyl Bromide Fumigation Methods - 3CCR ' 6450.3.

Scope: Methyl Bromide field fumigations.

Exemptions: None.

☞ Make sure the method being used follows all permit requirements and is one of the methods listed in 3CCR ' 6450.3. If any method other than one of the (permit conditions) methods listed is in progress, **stop the application**. Any other application method is not in compliance. Permit conditions require specific methods of use (i.e., maximum application rate, tractor equipped with an operating air fan, equipment used, and injection depth and spacing).

☞ The REI requirement varies for each method and cultural practice; refer to 3CCR ' 6450.3 for more information.

☞ For drip systems, 3CCR ' 6450.3(a)(6) requires all fittings and emitters underneath the tarpaulin shall be buried in the soil. Fumigation lines shall be physically disconnected from the main water supply during the fumigation. All apparent leaks shall be eliminated prior to the fumigation. All emitters not buried must be sealed. The drip system shall be purged prior to disconnecting any line containing the fumigant. All

persons working with pressurized lines and manifold during the fumigation must wear eye protection required by the product label. For REI requirements, refer to 3CCR ' 6450.3(a)(6)(P).

☞ During tarp repair, does the person in charge follow the tarpaulin repair plan? If tarps are not repaired as required, or if they are removed too early, it is a non-compliance (see 3CCR ' 6450.3 requirements for that application method).

34. **Proper Enclosed Spaces/Posted** - 3CCR ' 6452

Scope: Methyl Bromide and/or chloropicrin nursery soil or stock fumigation.

Exemptions: None.

☞ Has your county specified the fumigation period or required any posting in addition to what labeling or regulations require? If so determine compliance with your requirements check yes or no, if not check n/a

☞ **Note:** A Commodity Fumigation Inspection form (PR-ENF-105) should be used to monitor treatment of post harvest, stored agricultural commodities, or (nursery) potting soil fumigated in a chamber, inside a rail car, etc.

35. **Methyl Bromide Posting** – 3CCR ' 6784(a).

Scope: Methyl Bromide field fumigations.

Exemptions: None.

☞ 3 CCR ' 6784(a) states that signs shall be posted in accordance with 3CCR ' 6776(f), and shall remain in place until aeration is complete. (See Appendix #3 for a copy of Methyl Bromide Field Posting Sign requirements.) The employer shall post signs to warn employees and others against entry during a specified time period. The property operator must post the field(s) prior to the application.

The employer shall:

- Post before the application begins, but not more than 24 hours before the application begins.
- Post signs that are visible at all usual points of entry to the treated area or if there are no identified usual points of entry, post signs at the corners of the treated field and every 600 feet along side of field if adjacent to an unfenced public right of way.
- Leave signs in place throughout the application and REI.

☞ If a posting non-compliance occurs prior to the end of the REI, cite 3CCR ' 6776. If it occurs between the REI expiration and the completion of aeration, then cite the non-compliance under 3CCR ' 6784, which specifies that signs shall be posted, and also requires they shall remain in place until aeration is complete.

36. Methyl Bromide, Two Trained Employees/Work Hours - 3CCR ' 6784(b).

Scope: Methyl Bromide field fumigations involving employees.

Exemptions: Owners and non-employees.

☞ At least two trained employees shall be present during introduction of the fumigant and removal of tarpaulins.

☞ 3CCR ' 6784(b)(1) defines fumigation handling activities as: an employee involved in assisting with covering the tarpaulin at the end of the rows (shoveling); observing the overall operation, checking tarpaulin placement, changing cylinders (copiloting), operating application equipment (driving), and tarpaulin cutting and removal.

☞ 3CCR ' 6784(b)(4) – No employee may conduct fumigation handling activities for more than the hours specified in 3CCR ' 6784(b)(4)(B) chart.

Use Monitoring Inspections Guidelines: Property Operator vs PCB Responsibility*

Section	Criteria	Property Operator	Pest Control Business
12973	RMP conditions	X	X
11732	Registration		X
6776, 6782 12973	Posting	X	X (12973 if signs not posted at beginning, or 6600)
6724	Training	If P.O. is employer	If PCB is employer
6782	Enclosed spaces	X	X
6769	Greenhouse ventilation	X	X
6450	MB worksite plan	X	
6450.1	MB notification	X	
6450.3	MB fume method	X	X
6784	MB 2 trained employees	X	X
6784(5)(A)	MB tarp pulled	X**	X

*For some sections listed above, PCB is responsible if onsite and performing the activity (ex: removing the tarps too soon), otherwise property operator is responsible.

**If a third company is hired by the property operator to remove the tarps, any non-compliances would be the responsibility of the property operator.

Chapter 7: Structural – Branch 1 Use Monitoring Inspection (PR-ENF-107)

Purpose

A Structural – Branch 1 Use Monitoring Inspection form (PR-ENF-107) is used to inspect Structural Pest Control Businesses during the three phases of a structural fumigation as described below under criteria for completed inspections. Your inspection should document whether or not the handler and employer are complying with pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops and property. Your inspection of equipment in use indicates if it is safe for handlers and the environment. Your observations provide a picture of the employer's safety program and the employee's knowledge of pesticide handling requirements and safety precautions.

Procedures

Fill out the form as completely as possible at the time of the inspection. Please refer to General Inspection Procedures section for more information on how to fill out this form. The following are guidelines for how to fill out the information sections of this inspection form not found on most other forms:

Business Registration Number. Check the “UNL” (unlicensed) box if a person/business is fumigating without a valid Structural Pest Control Board (SPCB) registration.

Methyl Bromide Method Rate. Check the box identifying the methyl bromide application rate per 1,000 cubic feet of structure as specified by 3CCR section 6454. Leave blank if methyl bromide is not being used.

Required Distance Maintained. Check “YES” or “NO” as to whether the minimum distance required by 3CCR section 6454 is maintained. Check the “N/A” box if methyl bromide is not being used.

Individual License Number. For database purposes, check the appropriate box according to the individual's license type. An Operator (OPR) or Field Representative (FR) license is required to be on site to introduce the fumigant and certify the structure is safe for reentry. An Applicator Licensee (designated as RA on the license) must not apply fumigants. The crew preparing the structure for fumigation is not required to be licensed. A box for UNL (unlicensed) is provided if a person required to be licensed is fumigating without a valid license

Fumigation Check Boxes. Check the appropriate box on the Fumigation Branch 1 line as to which phase of the fumigation you are inspecting: closing / application phase, opening / commencement of aeration phase, or certification / clearing phase.

Requirements. For an application, tarp removal or certification phase inspection, compliance with all 41 numbered criteria items should be marked “Yes,” “No,” or “N/A” when appropriate,

according to the criteria item guidelines below. If you use this form to do an unattended tarp/aeration check, please see the Tarp / Aeration Check section of this manual at the end of this section, page **#126**

Violation Notice #. Two spaces for noting Violation Notice numbers are provided on this form for instances when both the pest control businesses, and another individual is cited. For database purposes, please indicate which NOV number corresponds to which party was issued that NOV.

Remarks. Give a detailed description of all non-compliances and any measures taken to correct the problem.

Inspection Acknowledged By. The signature that should be obtained is that of the person onsite. Check the appropriate box to indicate whether the person signing is an employee or the owner. You do not need a signature from the owner if he/she is not on site

Criteria for Completed Inspections

As described in ENF 95-69, DPR has determined that a fumigation has three distinct phases. These are:

- 1) The closing or application phase, beginning with structural preparation and tarpaulin placement, and ending when the fumigant release is completed;
- 2) The opening or commencement of aeration phase; and
- 3) The certification, or clearing phase, when the structure is certified safe for reentry by the licensee or field representative from the fumigation company (licensee).

Ideally, the inspector must perform a minimum number of inspection activities during a fumigation phase to qualify that inspection as complete. Therefore, the inspector should witness a minimum number of critical fumigation activities performed by the licensee. However, because circumstances may prevent the ideal inspection situation, the complete inspection criteria will include limited flexibility. The important things to remember are: 1) the personal contact with the licensee; and 2) evaluating the maximum number of fumigation activities possible.

The **minimum** inspection activities that **must** be performed during the **closing/application** phase are:

- 1) Observe the fumigant release;
- 2) Determine compliance or non-compliance with all records and paperwork requirements at the site; and
- 3) Determine compliance or non-compliance with all of the pesticide regulatory and labeling requirements on the inspection form pertaining to the closing phase. The licensee must sign the inspection form at the site. The **only** exception to the inspection conditions occurs when the structure cannot be entered. Some inspection requirements can only be addressed when inside the structure. The inspector can request the licensee to open the tarpaulin prior to releasing the fumigant, allowing entry to directly address the requirements that can only be checked from inside the structure. When requirements cannot be directly addressed because entry into the structure cannot be gained, include an explanation on the inspection form. A

closing phase inspection can still be considered complete if entry into the structure is not possible. All other inspection activities pertaining to this phase must be performed that can be addressed without entering the structure. A closing phase inspection must be conducted while the licensee is at the site and before the conclusion of the fumigant release in order to be considered a complete inspection.

The **minimum** inspection activities that **must** be performed during the **opening/aeration** phase are:

- 1) Observe the breaking of the tarpaulin seal;
- 2) Determine compliance or non-compliance with the records and paperwork requirements at the site; and
- 3) Determine compliance or non-compliance of all the pesticide regulatory and labeling requirements on the inspection form pertaining to the opening phase. The licensee must sign the inspection form at the site. The **only** exception to the inspection conditions is when the inspector misses the breaking of the tarpaulin seal and the concomitant requirements. The inspection can still be considered complete if the licensee is at the site and the inspector can perform all of the remaining inspection activities pertaining to this phase.

The **minimum** inspection activities that **must** be performed during the **certification/clearing** phase are:

- 1) Be present when the licensee certifies the structure safe for reentry;
- 2) Verify that the reentry certification has been properly completed; and
- 3) Verify the proper posting of the attic and/or basement. Also, the licensee must sign the inspection form at the site.

When completing the inspection form, all of the boxes for the verified inspection activities must be checked “Yes,” “No,” or “N/A.” Those that could not be verified must have an explanation in the remarks section describing why not. If the licensee refuses to sign the form, make a note of it in the remarks section. The shaded boxes cannot be marked. Compliance determinations should be made at the fumigation site based on initial observations. Any non-compliance that was marked “No” on the inspection form, but is corrected at the site before the inspection is complete, should be noted as being corrected in the “Remarks” section of the inspection form. The box, however, should remain checked “No.”

Only complete structural fumigation inspections, as described here, can be reported in “*Section III. Structural Pest Control Inspections, Fumigation*” of PR-ENF-099 (Report 5). If the inspector does not perform the minimum number of inspection activities during the fumigation phases, including obtaining the appropriate signature, the inspection cannot be reported as a complete inspection on PR-ENF-099 (Report 5). Tarpaulin inspections, verifying placement of signs, or other inspection activities that do not qualify as complete inspections are considered partial inspections. The time spent conducting partial inspection activities should be reported in “*Section III. Structural Pest Control Inspections, Licensed Work Hours*” on PR-ENF-099 (Report 5).

Criteria Items

1. **Annual Notification Submitted.** FAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) and performing structural pest control in the county.

Exemptions: None.

L Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

2. **County Notified 24 Hours Prior.** B&P Code ' 8505.5

Scope: All registered structural pest control Branch 1 companies.

Exemptions: If the commissioner does not require a notice.

L Has a complete notice been properly submitted at least 24 hours prior to the start of operations stating the date and place the fumigation will take place?

3. **Written Notice to Occupant.** B&P Code ' 8538

Scope: All registered structural pest control companies.

Exemptions: None.

L The written notice must be provided to the owner/agent at least 48 hours prior to fumigation. If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided. If notice was given by a Branch 3 company, the Branch 1 licensee on site usually will have a copy of it, but may not. In this case, ask the Branch 1 licensee for contact information for the Branch 3 licensee and follow up later by going to their office, or requesting by phone that they fax you a copy. The information required to be included in the notice is found in this code section.

4. **Pesticide Disclosure Signed / Available.** 16CCR ' 1970.4

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

The licensee must have, in his or her possession, a signed Pesticide Disclosure Notice at the time the fumigant is released. The Notice must be signed by the occupant(s), or in the case of an unoccupied dwelling, by a designated agent such as a realtor, property manager, or any other person in charge of the property. The owner, manager, or designated agent of multiple-family dwellings is required to obtain signatures and/or verify the notification was provided to the occupants. The information required to be included in the notice is found in this code section.

The Notice shall be in possession of the licensed fumigator when the fumigant is released, and become a permanent part of the fumigation log (B&P Code ' 1970). Review the Notice with the licensee. Is it signed by the occupants or a designated agent (i.e., a realtor) and does it contain the required information? If a signed disclosure is not available on site, stop the fumigation.

5. **Registered Label Available at Use Site.** 3CCR ' 6602

Scope: All pest control operations.

Exemptions: None.

L Registered labeling for products used [including Section 24c (Special Local Needs) and Section 18 registrations (Emergency Exemptions)], must be available at the use site. The use site (work site) is the actual area where the pesticide is being handled.

6. **Labeling – Site / Rate / Concentration / Other.** FAC ' 12973

Scope: All pest control operations.

Exemptions: For uses not considered “conflict with labeling,” review the definition in 3CCR ' 6000.

L Is the pesticide being handled in compliance with the label requirements? A review of the label at the site is necessary to ensure that the material is being used according to the label directions (i.e., site, rate, and concentration). Is the application being performed under suitable climatic conditions, utilizing proper application methods and equipment, in compliance with labeled use directions? For example, is the applicator using the correct amount of fumigant gas according to the conditions entered in the Fumiguide calculator? Was a thermometer used to check the temperature? Is the structure sealed appropriately? What are the conditions of the site: Is the soil moist? Were the roof space and cupboards opened?

7. **Labeling – Aeration / Reentry.** FAC ' 12973

Scope: All pest control operations.

Exemptions: None.

LLicensees shall follow label requirements for aeration and reentry. Are windows and doors opened as required by the label? Listen for the use of electric fans. See also item 26.

8. **Labeling – Bagging, Pets Removed, Etc. FAC ' 12973**

Scope: All pest control operations.

Exemptions: None.

LLicensees shall follow label requirements for the bagging or removal of food and medicines and removal of pets and other items from the fumigation site prior to the introduction of the fumigant. Verify that this is in compliance by doing a walk-through of the structure prior to the introduction of the fumigant. See also the *Manual of Procedural Guidance for Pesticide Enforcement Personnel / ENF 97-77 regarding waterproof covers on mattresses and pillows, and Nylofume bags.*

9. **Labeling – Personal Protective Equipment (PPE). FAC ' 12973**

Scope: All pest control operations.

Exemptions: None.

LDetermine PPE requirements on the label for handlers. PPE and clothing requirements apply to anyone handling the pesticide including applicators, field representatives, a licensee, or the owner/operator. Observe whether applicators have the label required PPE such as gloves, respirators, eye protection, boots or apron. If employee handlers are not wearing required PPE, ask them if it was provided (if not, see item 10, below). For all handlers, inspect the PPE. Is it in good condition and well fitted? Is it adequate to protect the applicator? Address each piece of equipment separately. It is use in conflict with the label if the pesticide handler possesses, but does not use, any of the safety equipment required by the label.

10. **Regulations – Personal Protective Equipment (PPE). 3CCR ' 6738**

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

- **PPE, Eyewear Provided and Used. 3CCR ' 6738(a)(b)**

LEmployers are required to provide and maintain protective eyewear for employees when the product labeling requires eyewear or when the employee is mixing, loading, adjusting, or repairing equipment and during hand applications. Protective eyewear shall provide front, brow, and temple protection. If not specified explicitly by the label,

eyewear shall be safety glasses, goggles, a face shield, or a full-face mask in conjunction with respiratory protection.

For structural fumigants, goggles or full-face shield is usually required just during the introduction of the fumigant. Protective eyewear is generally not required when handling tarp unless circumstances require the use of SCBA.

- **Chemical Resistant Gloves Provided and Used.** 3CCR ' 6738(a)(c)

Additional Exemptions: Employees are exempt when the pesticide label specifies that gloves must **not** be worn. Employees are exempt when handling “Caution” pesticides and a closed system.

⌞ Most structural fumigants specify that gloves must not be worn. If not prohibited, however, the employer must provide and maintain chemical resistant gloves, and assure their use. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If the label does not identify a specific type of glove, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent protection from the pesticide being handled. Contaminate, ripped, or cracked gloves are not adequate protective equipment and should be considered a non-compliance.

- **Other PPE, Boots / Headgear / Apron / Respirator.** 3CCR ' 6738(a)(d)(e)(h)

Additional Exemptions: Persons using closed systems to handle “Caution” pesticides may substitute work clothing for required PPE.

Footwear 3CCR ' 6738(a)(d)

⌞ The employer shall assure that chemical resistant shoes, boots, or shoe/boot coverings are worn when the pesticide labeling specifies the use of chemical resistant footwear.

Headgear 3CCR ' 6738 (e)

⌞ The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be worn.

Apron 3CCR ' 6738 (f)

⌞ The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

Respiratory Equipment 3CCR ' 6738 (h)

L Employers are required to provide and maintain respiratory equipment when specified by the label or required by regulation. Proper selection of respiratory equipment must be made according to the pesticide label. Does the respirator appear to be relatively clean? Are the straps and rubber face piece in good condition? Verify that the level of gas in the SCBA is sufficient (see Item 35). Check the inhalation and exhalation valves. Are they warped or missing?

11. **Suitable Methods / Manner / Climate.** 3CCR ' 6600

Scope: All pest control operations.

Exemptions: None.

L Is the application being conducted in a safe, careful, and effective manner? Are methods and equipment suitable to ensure proper application of the material? For example, are enough fans used to disperse the fumigant throughout the structure? Were the roof space and cupboards opened? Is the applicator using safety measures to provide protection for persons, property, and the environment and exercising general standards of care? Are the tarps in good condition? Do sand/water snakes seal the tarps adequately? Are dirt ramps used around steps and other obstacles adequately placed and sufficiently moist? Are enough snakes used to prevent tarp blow off? Have sharp corners been padded to prevent tearing of the tarp? Have areas that jut beyond the structure (e.g. fences, wires) been adequately sealed?

12. **Accurate Measurement.** 3CCR ' 6604

Scope: All pest control operations.

Exemptions: None.

L Are pesticides being accurately weighed and/or measured? What type of scale is used to measure the fumigant release? Are the measuring devices calibrated to the smallest unit in which the fumigant is being used? Estimating half a container is not an accurate measurement. Examples of improper devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc. This could also be a non-compliance with 3CCR ' 6680, Prohibited Containers.

13. **Protection of Persons / Animals / Property.** 3CCR ' 6614

Scope: All pest control operations.

Exemptions: None.

L Has the applicator, prior to and while making the application, evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of harm or damage as required by this section? Your walk-

through as described in items 8 and 26 should address the requirements of this code section. Look for animal food bowls, fish tanks, or stored food at the treatment site.

14. **Handler(s) Trained.** 3CCR ' 6724

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employees.

L Observing a person's work during an application inspection is a good indication whether or not that person has been trained. It is a good practice to ask employees about procedures for securing the structure, bagging food, removal of medicine, plants, and pets, etc. Ask the licensees how they calculate the dosage, use a warning agent, know what type of safety gear to use, etc. Ask the employees about the organization and content of the pesticide training that they have received. Responses to these questions, as well as the employee's actions, are indicative of an employer's training program.

Employees who are licensed by the SPCB as operators or field representatives, or who have received appropriate training by another employer within one year are considered trained.

15. **Emergency Medical Care, Posting.** 3CCR ' 6726

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

L Employers shall arrange for emergency medical care before employees handle pesticides. Employers must also inform employees of the name and location of the emergency medical care facility. Ask employees what they would do if the hose came off the cylinder and were exposed to the fumigant. Ask them where they would go if they felt sick after handling the pesticide. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. For employees that cover a wide geographical area, the employer must also post emergency procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. Check to see if posting is complete; it must contain all of the required information in order to comply with the provisions of this section. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information is inadequate. Medical care information that is kept inside of an employee's wallet or in a binder or in the glove compartment of the work vehicle does not comply with the provisions of this section.

16. **Decontamination Facility, Site "Danger / Warning".** 3CCR ' 6734

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

L Employers are required to provide clean water, soap, and towels for routine and emergency washing of the body when employees are handling pesticides with the signal word “DANGER” or “WARNING” on the label. The decontamination supplies must be within 100 feet of the mix/load site. Any source of clean water located within 100 feet of the site, and that the employee has access to is satisfactory to meet the need for sufficient water. A faucet that will be enclosed by a tarp at the time of application, however, would not meet the requirements of this section.

17. **Employee Exposure > PEL, Respiratory Protection.** 3CCR ' 6780(a)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L The employer must ensure that employees who handle fumigants during introduction and aeration are not exposed above the Permissible Exposure Level (PEL) for airborne contaminants listed in CCR Title 8, ' 5155. This requirement serves as a backup to fumigant label instructions regarding worker exposure. Many fumigant labels have improved instructions that advise about exposure levels and when respiratory protection is necessary. Ask the licensees how they measure fumigant levels at the work site. If you suspect levels are not being controlled and employees may not be fully protected, ask the licensee to test for fumigant levels or test the working atmosphere yourself to establish exposure in excess of the PEL (see Appendix 5 for listing of PELs. For more details, refer to <<http://www.dir.ca.gov/Title8/5155ac1Frame.html>>). If exposure level is unknown or determined to be above the PEL the employer must provide, and employees must use, air-supplied respiratory protection.

18. **SCBA Worn / Continuous Monitoring / TRAP (Tarp Removal and Aeration Plan) Used.** 3CCR ' 6780(b)(c)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L During clearing operations following fumigation of a typical residential structure, an overexposure situation to employees may exist. Self Contained Breathing Apparatus (SCBA) may not always be practical due to conditions at the work site (i.e., use on ladders, on rooftops pulling tarps, etc.). For this reason, the employer is given alternative methods of providing for exposure mitigation. One alternative is to employ continuous monitoring to warn employees before the PEL is reached. Another alternative is to operate under the provisions of a Fumigation Safety Program approved by the director. One such approved program is an industry standard that outlines a Tarpaulin Removal Aeration Plan (TRAP) (HS-1574, revised June 7, 1995, available at DPR's website at www.cdpr.ca.gov/docs/whs/pdf/hs1574.pdf). The TRAP has been established through a

cooperative effort by the Pest Control Operators of California and DPR. This Plan is one method that allows the employer to modify the work site to reduce or manage the airborne hazard by means other than just requiring employees to wear a SCBA.

Each structure may present unique aeration problems that must be assessed at each work site. Common sense and good practice dictate that when atypical sites are aerated, personnel must rely on additional monitoring and respiratory protection to ensure exposure remains below 3 ppm to methyl bromide or 5 ppm to sulfuryl fluoride. Contact the Worker Health and Safety Branch if you find a work site in need of, or a licensee interested in developing, a fumigation safety program.

* For more information on the TRAP, see Appendix 4.

19. **Accident Response Plan at Work Site.** 3CCR ' 6780(d)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

LIn the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc.) other than normal operating conditions, the employer must have an Accident Response Plan at the work site to protect employees. Is a Plan available on the site? At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. The second is information on who to contact in the event of a problem. Contacts may include the operator of the property, the operator of the structural pest control company, fire department, health department, hazardous materials response team, etc.

Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. General information on spills and leaks are available on the label, and should be referenced on the plan.

Ask the applicators what actions they would take if an accident, leak, etc., occurred. If the applicator refers to the appropriate section on the label and produces phone numbers of persons to contact in an emergency, it is probable that they are informed of an Accident Response Plan.

20. **Two Trained Employees at Fumigation and Aeration.** 3CCR ' 6782(a)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L Are two trained persons present during introduction of the fumigant, when commencing aeration, and when determining the concentration of the fumigant prior to reentry? Are the employees trained in the use of SCBA equipment?

21. **Fumigation of Enclosed Spaces / Proper Entry.** 3CCR ' 6782

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L Unprotected employees are prohibited from entering a fumigated enclosed space unless the concentration in the area is known to be at or below the PEL. Employees who are wearing the proper respiratory equipment are allowed to enter a fumigated enclosed space to determine the fumigant concentration or facilitate aeration. Ask the licensee how they determine the fumigant concentration. Is test equipment, such as a Draeger or Interscan, available on site? If you question whether or not the structure is safe to enter, ask the licensee to take another test in your presence. If the bell is ringing on a SCBA the wearer must immediately exit the structure.

22. **Proper Management of Treated Area.** 3CCR ' 6782(f)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L After fumigation, the employer is responsible for determining how the work site should be managed. Employees entering areas where off-gassing may occur must not be exposed to concentrations in excess of the PEL (see Appendix 5).

23. **Safety Kit / Test Equipment Available.** 16CCR ' 1971

Scope: All registered Branch 1 structural pest control companies.

Exemption: None.

L All Structural fumigation crews are required to have in their possession on the job a fumigation safety kit. Crews shall be instructed in the use and care of the kit and safety equipment and in first aid methods. The kit shall contain the following:

- C** Statements of instructions published by the manufacturer of the fumigants.
- C** Two or more effective SCBAs (see item number 32).
- C** Chart of instructions for artificial resuscitation.
- C** Proper testing equipment, as required by the manufacturer's label instructions, capable of measuring the concentration of fumigant, e.g. Interscan or Draeger.

Keep in mind that an Interscan is a very sensitive piece of equipment and should be used

at aeration rather than at the time of application.

24. **Re-entry Requirements.** 16CCR ' 1973

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

LA fumigated structure must be aerated and tested prior to certification and posting for reentry. After the aeration, and prior to releasing the structure for occupancy, a Branch 1 licensee (operator or field representative) must properly test the gas concentration of the structure. The licensee must use testing equipment for clearing the structure according to the manufacturer's label instructions and all applicable laws and regulations. What type of device does the licensee have to test for completeness of aeration? Is the device adequate (i.e., Draeger with an appropriate tube for methyl bromide, Interscan for sulfuryl fluoride) to test for the fumigant used? Was it used appropriately? For example, for an Interscan, was it warmed up with the "ready" light on prior to use, so that the reading was accurate? Were the results below the allowable limits?

When the structure is cleared, the licensee must release the structure for occupancy by posting a Notice of Re-Entry. The Notice must be at least 8.5 x 11 inches in size and be printed in black on a white background. The notice must state the date and time the building is safe for re-entry, the fumigant and warning agent used, the Branch 1 licensee name and number, and the company name, registration number, address and telephone number.

25. **Direct Supervision at Fumigation & Aeration.** B&PC ' 8505.2

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

LStructural fumigations shall only be performed under the direct and personal supervision of a Branch 1 operator (OPR) or field representative (FR) licensed by the SPCB. "Direct and personal supervision" means that the licensee exercising such supervision shall be present at the site of the fumigation during the entire time the fumigants are being released, the time the ventilation is commenced, and at the time property is released for occupancy.

26. **Structure Vacated / Secured Against Reentry.** B&P Code ' 8505.7

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

L The structure to be fumigated must be vacated by all occupants prior to the commencement of fumigation, and all entrances to the structure must be locked, barricaded, or otherwise secured against entry until the end of the exposure period. Prior to the introduction of the fumigant, do a walk-through of the structure to verify that it is vacated and adequately secured. After the fumigation, it must be opened for ventilation and re-secured against re-entry, until declared safe for re-occupancy by the supervising licensee exercising direct and personal over the fumigation. If the work crew has removed the tarps and must leave the site prior to certification, the warning signs must remain posted and the structure must be secured against entry.

27. Effective Secondary Locks. B&P Code ' 8505.7 (16CCR ' 1970.3)

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Prior to fumigation, all outside doors on the structure must be secured with a secondary lock. A secondary lock may consist of a padlock, keyway lock, clamshell lock, or any other device that will prevent opening by anyone other than the licensee in charge of the fumigation. Ask the licensee questions about secondary locks (i.e., what type are available, what do they use in different situations, what do they intend to use on the job, etc.?). Walk through the structure prior to the introduction of the fumigant, checking all outside doors, including garage doors and sliding glass doors, for proper secondary locks. Staples are specifically prohibited.

28. Warning Signs on All Sides of Structure. 16CCR ' 1974

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Prior to commencement of fumigation, fumigation warning signs shall be posted on the structure at or near all entrances and on each side of the structure. (The signs on the structure must remain posted until the structure is declared safe for re-occupancy.) Fumigation warning signs shall also be placed on the outside surface of the tarps and be clearly visible on all accessible sides of the space under fumigation and from any direction from which the site is approached. Additional fumigation warning signs shall be posted at all joint seams of the tarp at the first floor level. See Appendix 3 for an example.

29. Required Information on Warning Signs. B&P Code ' 8505.10

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: “DANGER--FUMIGATION.” They shall also have a skull and crossbones not less than one inch in height and shall state in letters not less than one half inch in height the:

- C Name of the fumigant used
- C The date and time the fumigant was injected into the structure
- C Name, address, and telephone number of the registered company performing the fumigation
- C Warning signs placed inside a tarp need the date, but do not need the time of fumigation. See also the *Manual of Procedural Guidance for Pesticide Enforcement Personnel* / ENF 96-068.

See Appendix 3 for an example.

30. Signs in Attic or Under-area Upon Completion. B&P Code ' 8505.11

Scope: All registered Branch 1 structural pest control companies.

Exemptions: Structures that do not have an attic or an accessible under-area.

L Immediately after completion of the fumigation, the licensee must post in the attic and in the under-area, adjacent to their entrances, a durable sign no less than 5 x 7 inches in size, stating the company name, the date of fumigation, and the type of fumigant used. If the structure has only an attic **or** under-area, then posting is only required in the area the structure has.

31. Warning Agent Used. B&P Code ' 8505.12

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L When a fumigant is used which does not have warning agent properties, a separate warning agent must be used. When conditions involving abnormal hazards exist, the supervising licensee shall take such safety precautions in addition to those prescribed by regulation as are reasonably necessary to protect the public health and safety.

32. Two SCBA Available. B&P Code ' 8505.15

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Registered companies are required to have two National Institute of Occupational Safety and Health and Mine Safety Health Administration approved Self Contained

Breathing Apparatus (SCBA=s) readily available to a fumigating crew whenever a fumigant is released or during the aeration of a structure. Check the pressure gauge on the air tanks. Do they have enough air to complete the job? If not, are extra tanks available? The minimum allowable working pressure is considered to be 1500 psig (pounds per square inch gauge). The American National Standards Institutes (ANSI Z88.5 - 1981 6.3.3.1, "Replacement of Used Items") calls for replacement or refilling of cylinders that are below 80 percent of the pressure stamped on the cylinder.

33. **Methyl Bromide - Tarps Acceptable / Condition / Retention Method.** 3CCR ' 6454(b-e)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The "acceptable" tarpaulin used in fumigations shall be vinyl coated with a minimum weight of 7 ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven-ounce weight tarpaulin). The vinyl coating shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating. All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin's fumigant gas retention capability is maintained.

Fumigators shall use the fumigant retention method specified in the table in this section. Depending on the application rate and total poundage used in the fumigation, the retention method may be an "acceptable" tarpaulin alone; an "acceptable" tarpaulin and a side drape of either an "acceptable" tarpaulin or an unused 4-mil disposable polyethylene sheet; or a seal with vinyl coated self-adhesive tape, (only if the structure is a concrete tilt-up).

When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.

34. **Methyl Bromide - Warning Agents / Fans / Aeration.** 3CCR ' 6454(f-m)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L When fumigating a structure with methyl bromide, chloropicrin shall be used as a warning agent unless specifically prohibited by regulations or product labeling. One or more fans must be used to adequately disperse the fumigant. The fumigant must be released into the airstream of a fan. In the case of a multiple-story structure, at least one fan should be placed on the second floor to facilitate dispersion. When the chloropicrin is introduced, it must be placed in a shallow dish over cotton or some similar absorbent material and released into the airstream of a fan. Prior to the introduction of the fumigant, a walk-through can be performed to check for adequacy of fan placement.

Following treatment, the fumigated structure shall be aerated through convection tubing or ducting. The convection tubing or ducting outlet shall be located above the highest point of the roof as follows:

- (1) Six feet for fumigations using 50 pounds of methyl bromide or less;
- (2) Ten feet for fumigations using more than 50 pounds of methyl bromide; or
- (3) Higher than the top of the roof of the tallest nearby structure, as defined in subsection (i).

Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.

When aerating a fumigated structure, a Branch 1 licensee shall ensure, that persons not involved in the aeration process do not come within the buffer zone as outlined in subsection (k) of this section.

Exhaust fans and convection tubing or ducting may be installed prior to aeration or when covering the structure with tarpaulins in preparation for fumigation. The exhaust fans must have a capacity of at least 5,000 cubic feet per minute (cfm). The convection tubing shall be large enough to fit over the exhaust fan housing and shall be securely attached. The exhaust fans and tubing shall be installed in a manner that does not present a hazard to workers or the public. If exhaust fans and convection tubing or ducting are installed after the fumigation has begun, the installer shall wear self-contained breathing apparatus (SCBA) respiratory protection.

35. **Methyl Bromide – Measuring Concentration.** 3CCR ' 6454(n)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L The methyl bromide concentration shall be measured at the approximate center of the structure with a Fumiscope®, or similar instrument, that shall be located outside of the fumigated structure. (An instrument similar to a Fumiscope® may be used provided it can measure methyl bromide concentrations at the one ounce per 1,000 cubic feet [250 ppm] level.) Without entering the structure, the fumigator shall collect the methyl bromide sample for measurement through the use of tubing or ducting placed inside the

structure and connected to the analytical instrument prior to the initiation of fumigation. The structure shall be aerated until the methyl bromide concentration has been reduced to 250 ppm or less (250 ppm is about one ounce per thousand cubic feet) while following the requirements listed below:

- (1) If the fumigated structure's windows were left open during the fumigation, the structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less with the tarpaulins left in place; or
- (2) If the fumigated structure's windows were closed during the fumigation: the space between the fumigated structure and the tarpaulin shall be aerated prior to tarpaulin removal through convection tubing or ducting; and after the tarpaulins are removed, the fumigated structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less.

36. **Equipment Properly Identified.** 3CCR ' 6630

Scope: All registered structural pest control companies.

Exemptions: None.

L Structural Pest Control companies must identify each service rig and similar equipment with markings readable at a distance of 25 feet. The identification must include either:

(1) the business name; or (2) the Pest Control Operator license number and a statement such as "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or similar wording.

37. **Container Secure/Under Control.** 3CCR ' 6670

Scope: All pest control operations.

Exemptions: None.

Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. A tank of dilute pesticides or cylinder of fumigant gas on a service vehicle must be locked while the applicator is away from the vehicle.

38. **Pesticide Containers Properly Labeled.** 3CCR ' 6676

Scope: All pest control operations.

Exemptions: Service containers with appropriate service container labeling.

L Are all original pesticide containers (except service containers), carrying the registrant's label? Full or partially full containers must have securely tightened lids or closures.

39. **Proper Pesticide Transport.** 3CCR ' 6682

Scope: All pest control operations.

Exemptions: None.

Ⓙ Check the inside of the operator's service vehicle for any pesticides or pesticide containers that should be carried in a separate compartment. Also, check to see if pesticide containers are secured to the vehicle in a manner that would prevent spillage onto or from the vehicle. Often, the operator will have a metal or fiberglass type "lock box" for this purpose.

40. **Equipment in Good Repair and Safe.** 3CCR ' 6742

Scope: All employers of pesticide handlers.

Exemptions: None.

Ⓙ This is a general safety requirement applicable to all pest control operations and can be used to mitigate an equipment hazard. Pest control equipment should be inspected while in use. This allows you to assess the general safety, condition and operation of equipment. Equipment that is used for pest control must be kept in good repair and must be safe to operate. Does the equipment operate without leaks? Check the application equipment in operation to determine if the tank, valves, coupling and hoses are in good condition and not leaking.

41. **Pesticide Handling / Use / Storage** 16CCR ' 1983

Scope: All registered structural pest control companies.

Exemptions: None.

Ⓙ An inspection of the storage site determines whether or not the company has control over pesticide containers, stores them properly, and identifies the storage site with signs. They must store pesticides, partial and empty containers, in a manner that does not present a hazard to persons or property. Service kits shall be handled with extreme caution and protected from children and unauthorized persons. Pesticide storage on trucks shall be locked or attended. Food and drugs shall be removed or appropriately bagged to adequately protect them from pesticide contamination. Areas where rodenticides and avicides are used shall be inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides shall be removed. No oil-based insecticide may be used near an open flame or active heater. Bait stations shall be marked with the signal word on the label, the name of the pesticide and the name, address, and phone number of the structural pest control company. An empty, locked, posted building that is in control of the registered company is deemed to be a bait station.

Tarp / Aeration Check

Purpose

This section is only to be used for unattended aerations or tarp checks. There are three phases of a fumigation: application, aeration and certification. The aeration phase has two stages: the tarp removal stage and the unattended aeration stage. You should complete this section of the form if this is the only part of the fumigation that you inspect. Since no one is present to acknowledge your inspection during the unattended aeration phase, you do not need a signature in the “Inspection Acknowledged” box. This type of inspection does not constitute a complete inspection and cannot be counted on the PR-ENF-099 (Report 5). Check the “Partial” box in the header of the form.

If you inspect any other part of the fumigation, the application, tarp removal or certification, in addition to the unattended aeration, then complete the rest of the inspection form and obtain a signature at that point.

Criteria Items

1. **Annual Notification Submitted.** FAC ' 15204

L See Criteria Item 1 of Procedures for the Structural Branch 1 Use Monitoring Inspection (PR-ENF-107).
2. **County Notified 24 Hours Prior.** B&P Code ' 8505.5

L See Criteria Item 2, Branch 1 Procedures.
3. **Labeling – Aeration / Reentry.** FAC ' 12973

L See Criteria Item 7, Branch 1 Procedures.
4. **Warning Signs on All Sides.** 16CCR ' 1974

L See Criteria Item 28, Branch 1 Procedures.
5. **Effective Secondary Locks.** 16CCR ' 1970.3 (B&P Code ' 8505.7)

L See Criteria Item 27, Branch 1 Procedures. This item should be marked “N/A” if the tarps are still up.
6. **Required Information on Warning Signs.** B&P Code ' 8505.10

L See Criteria Item 29, Branch 1 Procedures.

Chapter 8: Structural – Branch 2 & 3 Use Monitoring Inspection (PR-ENF-108)

Purpose

A Structural – Branch 2 & 3 Use Monitoring Inspection form (PR-ENF-108) is used to inspect Structural Pest Control Businesses during application, mixing and loading activities relating to the control of general household and wood destroying pests (other than fumigations). Your inspection should document whether or not the handler and employer are complying with pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops and property. During any pesticide operation, the greatest hazard occurs while mixing and loading, since that is when the concentrate is handled. Conduct a mixing and loading inspection in conjunction with your application inspection whenever possible to accurately identify the pesticide and to determine specific label requirements. Your inspection of equipment in use indicates if it is safe for handlers and the environment. Your observations provide a picture of the employer's safety program and the employee's knowledge of pesticide handling requirements and safety precautions.

Procedures

Fill out the form as completely as possible at the time of the inspection. Please refer to General Inspection Procedures section for more information on how to fill out this form. The following are guidelines for how to fill out the information sections of this inspection form not found on most other forms:

Business Registration Number. Check the “UNL” (unlicensed) box if a person/business is performing structural pest control without a valid Structural Pest Control Board (SPCB) registration.

Individual License Number. For database purposes, check the appropriate box according to the individual's license type. An Operator (OPR), Field Representative (FR) license is required to inspect and treat for pests. An Applicator Licensee (APP; designated as RA on the license) may treat pests. A new hire may, for 30 days from the date of hire, apply pesticides under the *direct* supervision of a licensed field representative or operator for the purposes of training; however, training required by 3CCR section 6724 prior to handling still applies. A box for UNL (unlicensed) is provided if a person required to be licensed is working without a valid license.

Requirements. For an application, or mix/load inspection, compliance with the 23 applicable criteria items should be marked “Yes,” “No,” or “N/A” when appropriate, according to the criteria item guidelines below.

Violation Notice #. Two spaces for noting Violation Notice numbers are provided on this form for instances when both the pest control business and another individual are cited. For database purposes, please indicate which NOV number corresponds to which party was issued that NOV.

Remarks. Give a detailed description of all non-compliances and any measures taken to correct the problem.

Inspection Acknowledged By. The signature that should be obtained is that of the person onsite. Check the appropriate box to indicate whether the person signing is an employee or the owner. You do not need a signature from the owner if he/she is not onsite.

Criteria Items

1. **Annual Notification Submitted.** FAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board and performing structural pest control in the county.

Exemptions: None.

L Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

2. **Written Notice to Occupant.** B&P Code ' 8538

Scope: All registered structural pest control companies.

Exemptions: None.

L The written notice must be provided to the owner/agent and the occupant prior to the application. If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided. If a contract for periodic service is in effect, the notice is only required to be given prior to the initial treatment, unless there is a change in the pesticides to be used. The information required to be included in the notice is found in this code section.

At commercial or industrial buildings, the notice shall be posted in a conspicuous place. In the case of external pest control at multiple family dwellings with more than 4 units, the notice shall be posted in heavily frequented, highly visible areas, such as mailboxes, the manager's apartment, all laundry rooms and community rooms. In complexes with fewer than 5 units, each unit must be notified. Any pest control to be done within a tenant's unit requires that the tenant be notified directly. (See 16CCR ' 1970.4(e))

3. **Pesticide Disclosure Available.** 16CCR ' 1970.4

Scope: All registered Branch 2 or 3 structural pest control companies.

Exemptions: None.

Whenever a licensee applies a pesticide, he shall leave a written notice in a conspicuous location identifying the common, generic or chemical name of each pesticide applied. In the case that the pesticide is applied to a multiple family structure, the notice may be given to the designated agent (e.g., a realtor) or the owner. The notice may be a door hanger, invoice, billing statement or other similar written document that contains the registered company's name, address, and telephone number.

4. **Registered Label Available at Use Site.** 3CCR ' 6602

Scope: All pest control operations.

Exemptions: None.

L All registered labeling [including Section 24c (Special Local Needs) and Section 18 registrations (Emergency Exemptions)], which provide directions for use, must be available at the use site. The use site (work site) is the actual area where the pesticide is being handled.

5. **Labeling – Site / Rate / Concentration / Other.** FAC ' 12973

Scope: All pest control operations.

Exemptions: See the definition of “Conflict with labeling” in 3CCR section 6000 for exceptions to explicit compliance with label requirements. “A decrease in dosage rate per unit treated” is one such exception from “conflict with labeling,” however, B&P Code section 1991(b) prohibits preconstruction application for subterranean termites at less than specified by the label.

L Is the pesticide being handled in compliance with the label requirements? A review of the label at the site is necessary to ensure that the material is being used according to the label directions (i.e., site, rate, and concentration). Is the application or mixing or loading operation being performed under suitable climatic conditions, utilizing proper application methods and equipment, in compliance with labeled use directions? For example, is the applicator following directions for a crack and crevice or a spot application using the appropriate equipment and not broadcasting the material over a larger area?

6. **Labeling – Personal Protective Equipment (PPE).** FAC ' 12973

Scope: All pest control operations.

Exemptions: None.

L Review the PPE requirements listed on the label for handlers. PPE and clothing requirements apply to anyone handling the pesticide including applicators, field representatives, a licensee, or the owner/operator. Observe whether applicators have the label required PPE such as gloves, respirators, eye protection, boots or apron. If employee handlers are not wearing required PPE, ask them if it was provided (if not, see item 12, below). For all handlers, inspect the PPE. Is it in good condition and well fitted? Is it adequate to protect the applicator? Address each piece of equipment separately. It is use in conflict with the label if the pesticide handler possesses, but does not use, any of the safety equipment required by the label. See the Label Policies section of the MPGPEP regarding the label statement: “Avoid breathing spray mist.”

7. **Regulations – Personal Protective Equipment (PPE). 3CCR ' 6738**

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

- **PPE, Eyewear Provided and Used. 3CCR ' 6738(a)(b)**

Additional Exemptions: Employees are exempt when applying vertebrate baits that are placed without being propelled by application equipment.

L Employers are required to provide and maintain protective eyewear for employees when the product labeling requires eyewear or when the employee is mixing, loading, adjusting, or repairing equipment and during hand applications.

Protective eyewear shall provide front, brow, and temple protection. Unless specified otherwise by the label, eyewear shall be one of the following:

- C Safety Glasses
- C Goggles
- C Face Shield
- C Full Face Mask in conjunction with respiratory protection

- **Chemical Resistant Gloves Provided and Used. 3CCR ' 6738(a)(c)**

Additional Exemptions: Employees are exempt when the pesticide label specifies that gloves must **not** be worn. Employees applying vertebrate pest control baits using long-handled implements are exempt. Employees are exempt when mixing or loading “Caution” pesticides and using a closed system.

L The employer must provide and maintain chemical resistant gloves, 3CCR ' 6738(a). The employer must assure that handlers use chemical resistant gloves. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If the label does not identify a specific type of glove, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that

provides equivalent protection from the pesticide being handled. Contaminated, ripped, or cracked gloves are not adequate protective equipment and should be considered a non-compliance.

- **Other PPE, Boots / Headgear / Apron / Respirator.** 3CCR ' 6738(a)(d)(e)(h)

Additional Exemptions: When the label specifically prohibits their use. When applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide). Persons using closed systems to handle “Caution” pesticides may substitute work clothing for required PPE.

Footwear 3CCR ' 6738(a)(d)

L The employer shall assure that when the pesticide labeling specifies the use of chemical resistant footwear, one of the following types of footwear is worn.

- C Chemical resistant shoes
- C Chemical resistant boots
- C Chemical resistant shoe or boot coverings.

Headgear 3CCR ' 6738 (e)

L The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be worn.

Apron 3CCR ' 6738 (f)

L The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

Respiratory Equipment 3CCR ' 6738 (h)

L Employers are required to provide and maintain respiratory equipment when specified by the label or required by regulation. Proper selection of respiratory equipment must be made according to the pesticide label. Check to make sure that the proper cartridges are being used. Does the respirator appear to be relatively clean? Are the straps and rubber face piece in good condition? Check the inhalation and exhalation valves. Are they warped or missing?

8. Suitable Methods / Manner / Climate. 3CCR ' 6600

Scope: All pest control operations.

Exemptions: None.

L Is the application being conducted in a safe, careful, and effective manner? Are methods and equipment suitable to ensure proper application of the material? For example, an applicator with a stainless steel hand-held sprayer must use the proper tip to create a pin stream spray when making a crack and crevice treatment. Is the applicator using safety measures to provide protection for persons, property, and the environment and exercising general standards of care? Has the applicator removed children's toys and pet food dishes prior to application to avoid contamination? Is the material being applied uniformly to avoid puddling? Is the placement of dry baits on porches or walkways appropriate? Watch for label statements such as, "Do not treat soil that is water saturated or frozen. Do not treat structures that contain cisterns or wells."

9. **Accurate Measurement.** 3CCR ' 6604

Scope: All pest control operations.

Exemptions: The use of ready-to-use diluted pesticides.

L Are pesticides being accurately weighed and/or measured? Are the measuring devices calibrated to the smallest unit in which the concentrate is being used? Estimating half a bag or part of a container is not an accurate measurement. Examples of improper measuring devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc. This could also be a non-compliance with 3CCR ' 6680, Prohibited Containers.

10. **Protection of Persons / Animals / Property.** 3CCR ' 6614

Scope: All pest control operations.

Exemptions: None.

L Has the applicator, prior to and while making the application, evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of harm or damage as required by this section? High winds and proximity to non-target structures are examples of conditions that could lead to drift problems. Does the applicator keep an eye out for passers-by? Look for the animals' feeding trays, fishponds, or stored food at the treatment site.

11. **Handler(s) Trained.** 3CCR ' 6724

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employees.

L Observing a person's work during an application inspection is a good indication whether or not that person has been trained. It is a good practice to ask employees about procedures for assuring that sensitive items (e.g. pet food, toys, etc.) in the structure have

been identified. Ask the employees how they calculate the rate, know what type of safety gear to use, etc. Ask the employees about the organization and content of the pesticide training that they have received. Responses to these questions, as well as the employee's actions, are indicative of an employer's training program.

Employees who are licensed by the SPCB as operators or field representatives are considered trained for the purposes of this section, however, employees licensed as structural applicators are not considered certified applicators, per 3CCR section 6724(d), and do require training. Employees who have received appropriate training by another employer within one year are considered trained.

12. **Emergency Medical Care, Posting.** 3CCR ' 6726

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

LEmployers shall arrange for emergency medical care before employees handle pesticides. Employers must also inform employees of the name and location of the emergency medical care facility. Ask employees what they would do if the pesticide splashed in their faces. Ask them where they would go if they felt sick after handling the pesticide. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. For employees that cover a wide geographical area, the employer must also post emergency procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. Check to see if posting is complete; it must contain all of the required information in order to comply with the provisions of this section. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information is inadequate. Medical care information that is kept inside of an employee's wallet or in a binder or in the glove compartment of the work vehicle may provide the necessary information to the employee; however, it does not comply with the provisions of this section.

13. **Decontamination Facility “Danger / Warning”.** 3CCR ' 6734

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers. Employees handling only “Caution” materials.

LEmployers are required to provide clean water, soap, and disposable towels for routine and emergency washing of the body when employees are handling pesticides with the signal word “DANGER” or “WARNING” on the label. The decontamination supplies must be within 100 feet of the mix/load site. Instant hand sanitizer does not meet the requirements of this section. Any source of clean water located within 100 feet of the

site, and that the employee has access to is satisfactory to meet the need for sufficient water. Employers must also provide employees with a clean change of coveralls at the decontamination site.

14. **Coveralls, Signal Word, “Warning / Danger”. 3CCR ' 6736**

Scope: All employers of pesticide handlers using “Warning” or “Danger” pesticides.

Exemptions: 3CCR ' 6736 (c) exempts fumigant users unless the label expressly requires the use of coveralls. This section does not apply to employees using vertebrate pest control baits unless the pesticide product label requires the use of coveralls (3CCR ' 6720).

L Employers are required to provide coveralls for each employee who handles any pesticide with the signal word “Danger” or “Warning.” Coveralls are defined in 3CCR ' 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. The employer must assure that the employees start each work day with coveralls, wear the coveralls when they are handling “Danger” or “Warning” pesticides, that they change their coveralls and wash at the end of the day. Ask the employee how often he or she is provided with clean coveralls. The employer also must assure that employees do not take contaminated coveralls home, unless the coveralls are removed and stored in a sealable container outside the home that is later returned to the employer.

15. **Equipment Safe to Operate. 3CCR ' 6600(a)**

Scope: All pest control operations.

Exemptions: None.

L Each person performing pest control shall use only pest control equipment that is in good repair and safe to operate. This is a general safety requirement applicable to all pest control operations and can be used to mitigate an equipment hazard. Equipment that is used for pest control must be kept in good repair and must be safe to operate. Check the application equipment in operation to determine if the spray tank, valves, coupling and hoses are in good condition and not leaking. If the service vehicle has a spray tank and hose reel, pay close attention for leaks at the swivel coupling located where the tank feeder hose joins the reel. Sometimes leaks will not appear unless the reel is turning. You may ask the applicator to pull off a few feet of hose while observing the coupling.

16. **Backflow Prevention / Airgap. 3CCR ' 6610**

Scope: All pesticide equipment that draws water from an outside source.

Exemptions: Application equipment of 5 gallon capacity or less are exempt as long as an air gap is manually maintained.

L Each piece of application equipment that handles pesticides and draws water from an outside source (water well, supply line, etc.) must be equipped with some type of backflow prevention device that is accepted by the local health agency and water purveyor. Check with the local water purveyor for additional requirements. The following examples of devices to prevent backflow or reverse siphoning are as found in CCR, Title 17, ' 7583 (for more details see Pesticide Registration Notice (PR) Notice 87-1, ENF 01-12, and ENF 01-28):

- a. Air-Gap Separation - physical break between the supply line and the receiving vessel.
- b. Double-Check Valve Assembly - an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve and test cocks available for testing the water tightness of each check valve.
- c. Reduced Pressure Principle Backflow Prevention Device - backflow prevention incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

17. Equipment Identified. 3CCR ' 6630

Scope: All pest control businesses engaged for hire.

Exemptions: None.

L Structural Pest Control companies must identify each service rig and similar equipment with markings readable at a distance of 25 feet. The identification must include either: (1) the business name; or (2) the Pest Control Operator license number and a statement such as "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or similar wording.

18. Container Secure/Under Control. 3CCR ' 6670

Scope: All pest control operations.

Exemptions: The materials listed in 3CCR ' 6402 (Exempt Materials) are exempted per 3CCR ' 6686 (b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. A tank of dilute pesticides on a service vehicle must be locked while the applicator is away from the

vehicle. Hand held sprayers containing dilute pesticide must be locked to the vehicle or similar immovable object or stored in a “lock box” if left unattended on a vehicle.

19. **Pesticides Containers Properly Labeled.** 3CCR ' 6676

Scope: All pest control operations.

Exemptions: Does not apply to service containers with appropriate service container labeling or measuring devices that are not used to store or transport a pesticide.

L Are all pesticide containers (except service containers), carrying the registrant's label? This pertains to rinsed containers as well as those with pesticide contents. Full or partially full containers must have securely tightened lids or closures.

20. **Service Container Labeling.** 3CCR ' 6678

Scope: All containers/equipment that holds pesticide(s) and does not carry the registrant's label.

Exemption: If pesticide(s) are loaded into application equipment on site, all of the pesticide mix is used during the application and the equipment is cleaned before the applicator leaves or transports the equipment, no service container labeling is required.

L Service containers are used to hold, store, or transport any pesticide or its use dilution. Service containers must be identified with the name and address of the owner or firm who is responsible for the container and the identity of all pesticides contained and appropriate signal word of the pesticide. Examples of non-compliances include service containers with incomplete labels, service containers with no labeling, or service containers with multiple service container label tags that include pesticides the container does not presently contain.

21. **Proper Containers.** 3CCR ' 6680

Scope: All pest control operations.

Exemptions: None.

L If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

22. **Proper Pesticide Transport.** 3CCR ' 6682

Scope: All pest control operations.

Exemptions: None.

L Pesticides shall not be transported in the same compartment with persons, food or feed. Check the inside of the vehicle for any pesticides or pesticide containers that should be carried in a separate compartment. Also, check to see if pesticide containers are secured to the vehicle in a manner that would prevent spillage onto or from the vehicle. Often, the operator will have a metal or fiberglass type “lock box” for this purpose.

23. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide.

Exemptions: Containers being returned to the registrant. Ready-to-use diluted pesticide containers. As described in ENF 87-11 and 87-34, aerosol containers are exempt from regulation as hazardous waste under the following conditions:

- a) The aerosol containers are emptied to the extent possible under normal use.
- b) The aerosol containers are disposed of after use in accordance with label instructions.

L Are containers of concentrate material being adequately rinsed at the time of use? Is the rinsate being added to the mix-tank? If you don't observe the rinsing procedure, an inspection of empty containers is the best way to check for compliance. The rinsing procedure must include, or be equivalent to, at least triple rinsing and thorough draining of the containers. If containers do not appear to be rinsed, ask the pesticide handler the method of container disposal. Unrinsed, or improperly rinsed, containers are considered hazardous waste and must be disposed of in compliance with hazardous waste laws, including CCR, Titles 22 and 23. Contact the local health department or Regional Water Quality Control Board for more information. Cal/EPA has determined that when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as nonhazardous waste (see ENF 96-004 and 97-006). Check your local burn policy as to whether emptied pesticide bags may be burned.

24. Equipment in Good Repair and Safe. 3CCR ' 6742

Scope: All employers of pesticide handlers.

Exemptions: Owner and non-employee handlers.

L Employers must assure that pesticide use equipment is inspected before each day of use and equipment with any safety defect is repaired or altered to remove the hazard before further use. All openings on tanks used for mixing or applying pesticides must have tank covers that will prevent spills and splashes. Tanks with a capacity of more than 49 gallons that contain pesticides with the signal word “Danger” or “Warning” on the label,

must have a sight gauge or some other method of determining internal liquid level. See also Item 10, 3CCR ' 6600(a).

25. **Pesticide Handling / Use / Storage** 16CCR ' 1983

Scope: All registered structural pest control companies.

Exemptions: None.

LService kits shall be handled with extreme caution and protected from children and unauthorized persons. Pesticide storage on trucks shall be locked or attended. Food and drugs shall be covered or protected from pesticide contamination. Areas where rodenticides and avicides are used shall be inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides shall be removed. No oil-based insecticide may be used near an open flame or active heater. Tracking powders shall only be used at floor level or in such places as warrant their safe use. Bait stations shall be marked with the signal word on the label, the name of the pesticide and the name, address, and phone number of the structural pest control company. An empty, locked, posted building that is in control of the registered company is considered to be a bait station.

Chapter 9: Production Ag / Other / Dealer / PCA Pest Control Records Inspections (PR-ENF-109)

Headquarter and Employee Safety Inspections

Purpose

This inspection is conducted to determine the level of compliance of growers (production agriculture) and pesticide users in “other” categories, (such as golf courses, schools, parks departments, etc.) with licensing/certification, the Restricted Materials Permit program, record keeping, and pesticide use reporting requirements.

Another purpose is to determine whether employers who have employees handling pesticides are in compliance with applicable worker safety requirements. Property operators with workers entering treated fields are inspected for compliance with fieldworker safety requirements. These requirements include advanced notice of pesticide applications, arrangement for emergency medical care, and the maintenance of re-entry records and completion notices.

Headquarter and Employee Safety Inspections are also conducted as a follow-up to various Use Monitoring inspections in which worker safety non-compliances have been documented. More frequent inspections of growers and pesticide users in “other” categories are justified when non-compliances have been noted in other inspections of the same firm or business during the past year. A high enforcement profile should result in improved work and safety habits, as well as improve the record keeping functions of growers and other categories of pesticide users.

Headquarters and Employee Safety Inspections should only be conducted when the employer has employees handling pesticides or working in treated fields. You should conduct a “Headquarter and Employee Safety Inspection” of a grower or pesticide user in “other” categories at a frequency agreed to in the negotiated work plan.

Exemption: When anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, exempt materials, or pool and spa chemicals are handled, the employer is exempt from complying with provisions of this subchapter (Pesticide Worker Safety) provided the employer is in compliance with corresponding provisions of Title 8 California Code of Regulations. See 3CCR ' 6720(c).

Criteria for Completed Inspections

This inspection report covers several different groups involved with pesticides, those that apply, sell, or recommend pesticides.

Record only one inspection per form, DO NOT combine Inspection A and B, etc. on the same form. For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099), you must also complete pertinent fields such as the Header, Information, Compliance Actions, Remarks (if applicable), and Acknowledgement sections and:

- **A. Production Agriculture**

For a completed Headquarter and Employee Safety Inspection for a grower (Production Agriculture), include all applicable criteria items listed under Inspection A “Requirements”.

- **B. Other** - Non-Production Agricultural Users (i.e. golf courses, parks) and Non-Agricultural Users (i.e. schools, industrial areas):

For a completed Headquarter and Employee Safety Inspection for users of pesticides in other categories (Other) include all applicable criteria items listed under Inspection B “Requirements”.

- **C. Dealer Records / Storage Inspection:**

For a completed Dealer Records / Storage Inspection, include all applicable criteria items listed under Inspection C “Requirements”.

NOTE* Dealers must be actively selling agricultural or Restricted Use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

- **D. Pest Control Adviser Records Inspection**

A completed Pest Control Adviser Records Inspection (Inspection D) includes all applicable criteria items listed under “Requirements”.

NOTE* Advisers must be registered in your county, actively writing recommendations and the number of recommendations reviewed must be recorded on the form in order to report as a completed Pest Control Adviser Records Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

Specific information regarding the four inspections listed above can be found in the instructions that follow. **See General section for additional information on completed inspections.**

Requirements

1. Valid Restricted Materials Permit. 3CCR ' 6412

Scope: Anyone possessing or handling Restricted Materials.

Exemptions: Pesticide registrants, dealers operating under their licenses; commercial carriers transporting restricted materials; certified private or commercial applicators when possessing or using federally restricted use materials.

Restricted Material Permits are not needed in these cases:

Products containing only exempt materials listed in 3CCR ' 6402.

Products containing restricted material active ingredients labeled only for these uses: Home/Structural Pest Control/Industrial/Institutional/ or uses by public Vector Control agencies, Paints containing tributyltin, or anti-fouling paints, Federally restricted materials, when possessed, or used by certified private or commercial applicators, Restricted Materials used for experimental or research purposes by research personnel

⌞ Used only under permit of the Agricultural Commissioner. Review pesticide use records and storage of Restricted Materials applications and determine if the person has a valid permit. Permit possessed is valid for pesticides used and those being stored.

2. Notice Prior to Pesticide Application. 3CCR ' 6618

Scope: All property operators and Pest Control Businesses.

Exemptions: Structural PCB's in compliance with B & P Code ' 8538, and public agencies in compliance with FAC ' 12978. Persons who make or supervise the applications. A separate notice of application is not required when a field is posted unless the label requires both oral notice and posting of the treated field.

⌞ This requirement also applies to non-production agriculture (6618c)

⌞ Each person performing pest control must notify the operator of the property before any pesticide is applied. The operator of the property must notify all persons (especially employees) who are likely to enter. The notice must be adequate to advise of the nature of the pesticide and the precautions to follow. Some examples of precautions to follow include re-entry intervals required by labeling or regulation, protective clothing requirements for early entry and activities prohibited in a treated field while a re-entry interval is in effect.

Ask the person inspected what kind of procedures they use to notify employees and others of planned applications.

3. Application Completion Records / 2 Years. 3CCR ' 6619

Scope: Agricultural pest control businesses (PCB) applying pesticides for production of an agricultural commodity and property operators who receive notices.

Exemptions: All applications that are either non-agriculture or non-production agriculture.

└ Agricultural PCB's applying pesticides for the production of an agricultural commodity shall give notice to the operator of the property treated (or operator's designated employee), within 24 hours of completion of the pesticide application.

└ This notice shall include the following:

- Location of the property, including site ID number, and acreage treated
- Pesticide(s) applied
- Date and hour application was completed
- The applicable re-entry and pre-harvest intervals, unless a written recommendation by a licensed Pest Control Adviser, properly completed, was given to the operator of the property treated.

└ The property operator must maintain a record of each notice received, by site and a copy of the written notification method provided to each agricultural PCB. This record could be a work order or a copy of a written recommendation provided by the pest control business, an application log kept by the grower or a copy of a use report. Do the records contain the required information? Are the records maintained by site? Review the method to determine whether it meets the completion notice requirement (i.e. 24 hour notification).

└ The property operator may designate an employee to receive the notice as long as he or she has the ability to reschedule or stop activities involving fieldworkers performing cultural activities. If the property operator or designated employee will not be available to receive the notice within the 24-hour period, the property operator shall identify in writing, the method by which the agricultural PCB may provide notification. This method may be, but not limited to any of the following:

- Post or leave notice in a designated location on operator's property
- Record notification on phone recorder
- Send notice via fax machine

4. Operator Identification Number Obtained. 3CCR ' 6622

Scope: Persons using pesticides for an agricultural use, pesticides for industrial post-harvest commodity treatment, and any pesticide listed in 3CCR ' 6800[b] for any outdoor institutional or outdoor industrial use.

Exemption: Property operators of non-production agricultural sites (e.g. cemeteries, golf courses, right-of-way, post-harvest agricultural commodities and certain non-agricultural sites), when pesticides purchased and applied by PCBs. Persons using pesticides only on livestock, pasture and rangeland.

└ Each property operator shall provide the commissioner with a list of the counties in which pest control will be performed, and all valid operator identification number(s) issued by other commissioners.

5. Site Identification / Permit Kept / 2 Years. 3CCR ' 6623

Scope: The operator of a property which is used for the production of an agricultural commodity.

Exemptions: Persons performing pest control for hire. Persons using pesticides for non-production agricultural uses or non-agricultural uses.

└ Property operators intending to use pesticides for the production of an agricultural commodity must obtain a site identification number for each site where pest control will be performed.

└ Each site must be identified on either a Restricted Materials Permit or an Operator Identification form. Review the permit or form, and determine whether the information is accurate. Check to see that a copy of the permit or form has been retained for two years.

6. Pesticide Use Records Available / 2 Years. 3CCR ' 6624

Scope: Must be maintained by any person who uses pesticides:

- for an agricultural use
- when engaged for hire as a PCB
- classified as a restricted material
- for industrial post-harvest commodity treatment
- listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Exemptions: Persons using pesticides on livestock.

└ For each pest control operation the records shall be kept for 2 years and include:

- Date of Application
- Name of operator of the property treated
- Location of treated property
- Crop commodity, or site treated
- Total acreage or units treated at the site
- Pesticide, US EPA registration number, and amount used

└ Additionally, property operators producing an agricultural commodity, and PCBs applying to such property shall also include in the record:

- Location of property treated, by county, section, township, range, base and meridian.
- Hour the treatment was completed
- The operator identification number of property operator
- Site identification number issued for treated area(s)

- Total acreage (planted), or units at the site
- Name or identity of person(s) who made and supervised the application, if done by a PCB.

Ⓙ Property operators, which produce an agricultural commodity, shall maintain records applied by PCBs, by site. Note* Production Agriculture Pesticide Use Reports can also serve as Pesticide Use Records provided all the information above is recorded on the form. Records shall be retained for two years.

7. Pesticide Use Reports Submitted. 3CCR ' 6626 / 6627
Production Agriculture Monthly Pesticide Use Report (6626)
Monthly Summary Pesticide Use Report (6627)

Scope: ' 6626 - Property operators producing an agricultural commodity, or PCBs applying pesticides to properties producing an agricultural commodity.

Scope: ' 6627 - PCBs applying pesticides to properties other those producing an agricultural commodity, and persons using pesticides:

- For an agricultural use
- Classified as a restricted material
- For industrial post-harvest commodity treatment
- Listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Exemptions: Persons using pesticides on livestock; in the sales area of retail nurseries. Public agencies (e.g. Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. Persons applying pool chemicals for pool service companies.

Ⓙ Each person required to maintain records of pesticide applications must also report their use of these pesticides. The reporting requirements for persons producing an agricultural commodity are different from non-production use requirements. Refer to the specifics in ' 6626/6627.

Ⓙ Review the grower's or qualified applicator's permit and file for non-compliances. Compare the records maintained by the property operator with the pesticide use reports you have received. Document any non-compliances.

8. Emergency Medical Care, Planned. 3CCR ' 6726/ 6766

Scope for 6726: All employers of pesticide handlers.

Scope for 6766: All employers of fieldworkers who enter treated fields.

Exemptions for 6726: Owners and non-employee handlers. Pest Control Advisers and those performing crop adviser tasks are exempt under the conditions of ' 6720(d)

Exemptions for 6766: Owners and non-employee fieldworkers. Pest Control Advisers and those performing crop adviser tasks are exempt under the conditions of ' 6720(d)

Ⓐ Emergency medical care is not required if only granular baits, attractants or repellants in traps have been applied in a field. If only algaecides have been used to treat the irrigation system or if pesticides have been injected into plants, emergency medical care is not required. Pesticide applications by vector control agencies are exempt

Ⓐ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local Poison Control Center's telephone number or a supervisor's name with no additional information is inadequate as is the displaying of "911". Medical information may provide the necessary information to the employee when it is in an employee's wallet or in the glove compartment of the work vehicle. However, it is not posted and does not meet the requirements.

9. Change Area. 3CCR ' 6732

Scope: Employers of persons who regularly handle any pesticides in commercial or research production of an agricultural plant commodity. This section also applies to employees who regularly handle pesticides with **ⒶDANGER** or **ⒶWARNING** on the label in any setting.

Exemptions: Owners and non-employees.

Ⓐ The employer must assure that there is, at the place where employees end exposure and remove personal protective equipment, an area where they can change clothes and wash themselves. The employer must make available clean towels, soap and sufficient water for thorough washing. The employer must provide a clean storage area for personal clothes

10. Proper Storage of Personal Protective Equipment (PPE). 3CCR ' 6738(a)

Scope: Employers of persons who handle pesticides.

Exemptions: Owners and non-employees handling pesticides, however, they are not exempt from label requirements for PPE use. PCA's and those performing crop adviser tasks are exempt under the conditions of ' 6720.

Ⓐ Employers must provide safety equipment, and require that it is kept in a clean, specially designated place when not in use. Examples of proper storage are lockers or assigned tote bags. Equipment left on the floor, or stuffed under the seat of a mix or load vehicle is not considered proper storage. In addition, a pesticide storage area is not a proper place for storage of safety equipment. PPE must be kept separate from personal clothing.

⌞ Employers must provide for the daily inspection and cleaning of all required PPE, and repair or replace any worn, damaged, or heavily contaminated PPE. In addition, employers must keep and wash potentially contaminated PPE from other clothing or laundry. They must assure that any person or firm assigned or hired to clean or repair potentially contaminated PPE is protected and informed.

11. MB- Recordkeeping. 3CCR ' 6784(b)

Scope: Methyl Bromide field fumigations involving employees.

Exemptions: Owners and non-employees.

☞ The employer shall maintain records at a central location for two years for all employees involved in application, tarpaulin cutting, tarpaulin repair, and tarpaulin removal activities. The records shall identify the person, work activities, date(s), duration of handling, E.P.A. Registration Number, and the brand name of the methyl bromide product handled (3CCR ' 6784(b)(2)).

Hazard Communication / Pesticide Training Program

12. Hazard Communication for Pesticide Handlers. 3CCR ' 6723

Scope: Employers of employees who handle pesticides

Exemptions: Employers in compliance with Title 8, CCR - see ' 6720(c) in which anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled.

⌞ Employers must display a copy of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at a central location at the workplace before employees are allowed to handle pesticides. Employers must also maintain at a central workplace location the following:

- Pesticide use records for pesticides handled by employees
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records
- Material Safety Data Sheet (MSDS) for each pesticide handled by employees

⌞ Employers must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee or employee representative.

⌞ Review employee training records, pesticide use records, and pesticide use reports to identify the pesticides handled before determining whether an employer is maintaining the appropriate MSDS.

13. Application Specific Information for Handlers. 3CCR ' 6723.1

Scope: Employers of employees handling pesticides used for the commercial or research production of an agricultural commodity.

Exemptions: Owners and non-employees.

Ⓙ Application specific information for each “treated” field must be displayed at a central location. Information must be displayed within 24 hours of completion of an application and include all applications made to any treated field within ¼ mile of where employees will be working. Information shall remain up for length of the restricted entry interval, plus 30 days. The employer must display the following at a central location while employees handle pesticides:

- Identification of the treated area
- Application time and date
- Restricted Entry Interval
- Product Name
- EPA Registration Number
- Active Ingredient

Ⓙ Display means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

Ⓙ The information must be displayed within 24 hours of the application and include any applications to the other areas of the property operator within ¼ mile of the work area. Information must remain displayed until workers are no longer employed or the area no longer meets the definition of “treated field”. Copies are acceptable.

14. Trainer Qualified / Written Program. 3CCR ' 6724

Scope: Employers of pesticide handlers.

Exemptions: Owners and non-employees. Employers of certified applicators and licensed PCAs.

Ⓙ A trainer is required to be “qualified” when:

Conducting training for employees handling pesticides for the commercial or Research production of an agricultural commodity

Ⓙ A person conducting training for employees handling pesticides for commercial or research production of an agricultural commodity shall be qualified as one of the following:

- California certified commercial applicator

- California certified private applicator
- California licensed Pest Control Adviser
- California registered Professional Forester
- Farm Advisor employed by the University of CA (UC), Coop Extension
- County biologist holding a license in Pesticide Regulation, or Investigation and Environmental Monitoring, issued by the Department of Food and Agriculture
- Person who has completed an “instructor trainer” program presented by UC, Integrated Pest Management Program (after 1/1/93) or Other instructor training programs approved by the Director.

└ The employer’s training program shall describe the materials (e.g. study guides, pamphlets, slides, PSIS), and information that will be provided and used to train employees, and identify the person or firm that will provide the training.

└ The employer shall maintain a copy of the training program while in use, and for two years after use, at a central workplace location.

15. Required Topics. 3CCR ' 6724(b)

Scope: Employers of pesticide handlers.

Exemptions: Owners, and non-employees. Employers of certified applicators, and licensed PCAs.

└ Training shall cover the following:

- Format and meaning of information contained on a pesticide product label
- Hazards of pesticides, such as acute and chronic effects
- Routes, by which pesticides can enter the body
- Signs and symptoms of overexposure
- Emergency first aid for pesticide overexposure
- Training shall cover the following:
 - How to obtain emergency medical care
 - Routine and emergency decontamination procedures
 - Information about personal protective equipment
 - Information about heat-related illness
 - Safety requirements and procedures related to pesticides
 - Environmental concerns
 - Warnings about taking pesticides or pesticide containers home
 - MSDS, PSIS
 - Medical supervision requirements for “Warning” and “Danger” organophosphates and carbamates
 - Location of Hazard Communication Information (e.g. PSIS, MSDS, A-8)
 - Employee’s rights

Ⓙ Based on the employer's response to questions and a review of the training records, did the employer address all of the topics sufficiently? Documentation of training does not necessarily mean an employer has properly trained his or her employees. Was the training adequate? The training must be pesticide specific, unless the subject matter of training covers a chemically similar group of pesticides. An individual's training record does not constitute a written training program.

16. Training Prior to Handling. 3CCR ' 6724(d)

Scope: Employers of pesticide handlers.

Exemption: Owners, and non-employees. Employers of certified applicators, and licensed PCAs.

Ⓙ Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12 month period) thereafter. Initial training may be waived if employees submit a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. Pesticide safety training may only be conducted by a person who meets the qualifications included in 3CCR ' 6724.

Ⓙ Compare the date of application on the pesticide use records, including use records required under ' 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

17. Records Available / Complete / 2 Years. 3CCR ' 6724(e)

Scope: Employers of pesticide handlers.

Exemptions: Owners, and non-employees. Employers of certified employees, and licensed PCAs

Ⓙ Employers must record the date and extent of training and the job assigned to the employee. Records must be kept for two years in a central workplace location accessible to employees.

Ⓙ Are there completed, signed and dated training records for employees who handle pesticides? Are the training records current? Compare training records to pesticide use records to assure each employee has received training on each pesticide or chemically similar group of pesticides used.

18. Hazard Communication for Field Workers. 3CCR ' 6761

Scope: Employers of fieldworkers in "treated" fields

Exemptions: Owners, non-employees, and handler employees

└ The property operator shall maintain in a central location at the workplace, accessible to employees, including employees of farm labor contractors, who enter a treated field, the following:

- Pesticide use records for pesticides that have been applied to fields within the last two years
- MSDS for each pesticide listed in the pesticide use records
- A completed Pesticide Safety Information Series A-9.

└ If employees begin their workday at a central location PSIS A-9 may be displayed at that location and not at the work site.

└ Employers must inform employees where the records are kept, and they must grant employees access to the records not longer than 48 hours from the date of request by an employee or their representative.

└ If employees begin their workday at a central location PSIS A-9 may be displayed at that location and not at the work site.

19. Application Specific Information for Fieldworkers. 3CCR ' 6761.1

Scope: Operators of property used for the commercial or research production of an agricultural commodity, while employees are employed to work in fields.

Exemption: Farm labor contractors. When fieldworkers will no longer be on the establishment, or the area no longer meets definition of a treated field. (Restricted Entry Interval plus 30 days)

└ Application specific information for each “treated” field must be displayed at a central location. Information must be displayed within 24 hours of completion of an application and include all applications made to any treated field within ¼ mile of where employees will be working. Information shall remain up for length of the restricted entry interval, plus 30 days.

└ Check that the information includes:

- Identity of treated area
- Time and date of application
- Restricted Entry Interval
- Product Name
- EPA Registration Number
- Active ingredients

20. Fieldworker Training. 3CCR ' 6764

Scope: Employers of fieldworkers working in “treated” fields

Exemptions: Employers and non-employees. When only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. Fieldworkers with valid verification of training card issued under US EPA authority, “certified applicator” employees, employees with current document pesticide handler training, or employees with other valid certificates of pesticide training approved by Director.

└ Check that the trainer meets one of the seven listed qualifications. See that the training includes all the topics listed in the code.

Respiratory Protection Program

21. Written Operating Procedures. 3CCR ' 6738(h)(3)

Scope: Employers of persons wearing respirators when required by pesticide labels or regulations.

Exemptions: Owners and non-employees.

└ Employers must provide and assure the use of label-required or regulation-required respiratory equipment. Employers shall assure that written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting, and maintaining respiratory protective equipment are adopted. Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment.

└ For more information regarding respiratory protection, including a sample of written operating procedures, refer to Pesticide Safety Information Series (PSIS), Leaflet A-5, “Respiratory Protection”.

└ Ask the employer how fit testing is conducted. Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

└ PCAs acting in their capacity as Advisers are not required to wear respirators (3 CCR 6738(b-I). However, PCAs acting as handlers are subject to this requirement.

22. Emergency Use Respirators. 3CCR ' 6738(h)(5)

Scope: Employers of persons wearing respirators required by pesticide labels or regulations.

Exemptions: Owners and non-employees.

└ Respirators maintained for stand-by or emergency use are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

└ Look for the required documentation to indicate any stand-by respirators have been inspected regularly.

└ PCAs acting in their capacity as Advisers are not required to wear respirators (3 CCR 6738(b-I). However, PCAs acting as handlers are subject to this requirement.

23. Medical Condition Statement. 3CCR ' 6738(h)(6)

Scope: Employers of persons handling pesticides that require respiratory protection or when required by regulations.

Exemptions: Owners and non-employees

└ The employer must inform an employee, prior to beginning work, that certain medical conditions (heart disease, high blood pressure, lung disease, or perforated ear drum), may interfere with wearing a respirator while engaged in potential pesticide exposure situations.

└ Ask to see a Medical Conditions Statement for each employee assigned to performing work that requires wearing a respirator. If an employee has a medical condition, has that person been evaluated by a physician?

If so, does the employer have a copy of the physician's report on file? PSIS A-5 "Respiratory Protection" contains an Employee Statement of Medical Condition.

Medical Supervision Program

24. Use Records Retained / 3 Years. 3CCR ' 6728(a)

Scope: Employers of persons who handle organophosphate and carbamate pesticides with the signal word **ADANGER** or **AWARNING** for the commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only "CAUTION" organophosphate or carbamate pesticides are handled.

└ The employer must keep records that identify the name of the employee, the name of the pesticide and the date of use. This information must be collected in order to ascertain whether or not employees are subject to the requirements of medical supervision.

This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years.

25. Doctor's Agreement Available / 3 Years. 3CCR ' 6728(b)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word **ADANGER** or **AWARNING** for the commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only "CAUTION" organophosphate or carbamate pesticides are handled.

└ When employees regularly handle **ADANGER** or **AWARNING** organophosphates or carbamates, the employer must have a written agreement stating that a physician has agreed to provide medical supervision.

└ This agreement must include the names and addresses of the employer and the physician, as well as a statement that the physician possesses a copy and is aware of the contents of the "Medical Supervision of Pesticide Workers - Guidelines for Physicians." This document is available from the Department of Health Services or local county health departments. A copy of this agreement must also be given to the commissioner. This agreement to provide medical supervision, all recommendations and test results, must be maintained for three years.

└ "Regularly handle" means that an employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling.

└ While exclusively using a closed system or water-soluble packets the time spent is not included for any employee who has a baseline blood cholinesterase level established pursuant to ' 6728(c)(1).

26. Recommendations / Test Results / 3 Years. 3CCR ' 6728(c)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word **ADANGER** or **AWARNING** for the commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only "CAUTION" organophosphate or carbamate pesticides are handled.

└ For employees who regularly handle **ADANGER**® or **AWARNING**® organophosphates or carbamates, employers must have established baseline red cell and plasma cholinesterase levels. Baseline values must be verified every two years.

└ In addition to the baseline determination, new employees are required to have cholinesterase tests within three working days following the conclusion of each of the first three 30-day periods in which **ADANGER**® or **AWARNING**® organophosphates or carbamates were regularly handled.

└ Further continued periodic monitoring for all covered employees, excluding those who mix or load **ADANGER**® or **AWARNING**® organophosphates or carbamates exclusively through a closed system, or those mixing pesticides sealed in water-soluble packets, will be at the recommendation of the Medical Supervisor. When no written recommendations for periodic monitoring have been made, the testing interval shall be every 60 days.

└ All written recommendations of the Medical Supervisor, as well as all test results must be maintained at the employer's headquarters for three years.

└ The initial requirements for medical supervision were changed because it has been demonstrated that new employees, due to inexperience in handling pesticides, are exposed more. Routine testing of these employees will hopefully identify those who need to correct faulty work practices.

27. Medical Supervision Posting. 3CCR ' 6728(c)(5)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word **ADANGER**® or **AWARNING**® for the commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only “CAUTION” organophosphate or carbamate pesticides are handled.

└ The name, address, and phone number of the Medical Supervisor must be posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the Emergency Medical Care posting requirement.

Pesticide Storage

28. Possession Permit for Stored Restricted Material. 3CCR ' 6412

Scope: The person storing a Restricted Material requiring a permit.

Exemption: All non-restricted materials.

└ The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

29. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, medical sterilants. Does not apply to pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

└ Ask the operator of the property or the business operator where pesticides are stored. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

└ Restricted Materials must be stored in accordance with ' 6670 and ' 6672.

30. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words **ADANGER@** or **AWARNING@** are stored.

Exemptions: Pesticides with the signal word “CAUTION”. Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

└ If **ADANGER@** or **AWARNING@** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

Ⓙ Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

31. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

Ⓙ Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

32. Service Container Labeling. 3CCR ' 6678

Scope: All containers used to store or transport dilute or concentrated mixtures of pesticides other than the manufacturer's container.

Exemptions: Original labeled containers, containers used by persons engaged in the business of farming when on that person's property.

Ⓙ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site, all of the pesticide mix is used during the application and the equipment is cleaned before the applicator leaves or transports the equipment, no service container is required.

33. Proper Containers. 3CCR ' 6680

Scope: All pesticides in storage, transported or being used.

Exemptions: None

Ⓙ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

34. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

L When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

L Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers.

This is not allowed in California.

Dealer Records / Storage Inspection

Purpose

A Pesticide Dealer Record / Storage Inspection is conducted at the business location to ascertain licensing status, supervision by a qualified person, record maintenance, the sale and delivery of appropriate pesticides, and other record requirements.

A complete record inspection should be conducted at the frequency agreed to in your county negotiated work plan. Additional review of sales records may be needed to determine compliance with pesticide use reporting requirements or for specific investigations. It will be useful to check county office records and to note any prior non-compliances. Deal with the designated agent, if possible.

Criteria for Completed Inspections

This inspection report covers several different groups involved with pesticides, those that apply, sell, or recommend pesticides.

- A completed Dealer Records / Storage Inspection (Inspection C) includes all applicable criteria items listed under "Requirements", as well as the completion of other pertinent fields (such as the Header, Information, Compliance Actions, Remarks (if applicable), and Acknowledgement sections) on the form.

Record only one inspection per form, DO NOT combine inspection A and B, etc. on the same form. For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099):

NOTE* Dealers must be actively selling agricultural or Restricted Use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If there are no records to review, no credit for an inspection can be given, although hours can be recorded under “Licensed Hours Worked”.

Inspection A – Headquarter and Employee Safety Inspection (Production Ag.)

Inspection B - Headquarter and Employee Safety Inspection (Other)

Inspection D - Pest Control Adviser Records Inspection

See General section for additional information on completed inspections.

Requirements

1. Dealer Licensed. FAC ' 12101

Scope: Persons acting as pesticide dealers, or who engage in the business of, advertise as, or assume to act as a pesticide dealer.

Exemptions: Pest control businesses that make applications in addition to selling and recommending the pesticide CFAC ' 11407.5. Cooperatives that act as pesticide dealers for their members.

L Ask to see the dealer’s license and write the business name and business license number, and expiration on the inspection form. Determine if the information (business name and address) is current and the license is valid.

2. Designated Agent / Office; Valid License or Certificate. 3CCR ' 6560

Scope: Any person who is responsible for supervising the operations of a licensed pest control dealer either at the principal office or at a branch location.

Exemptions: None

L Licensed PCAs, pest control aircraft pilot certificate holders, and Qualified Applicator Licensees do not need a Designated Agent license.

L Determine if a designated agent is available at each main office, **and** branch_location. Record the agent’s name of this facility on your inspection form.

In order for persons to be qualified as a designated agent for a Pesticide Dealer's License they must have passed the laws and regulations exam, or hold a valid Pest Control Adviser's license, Pest Control Pilot Certificate, or a Qualified Applicator License.

Does this person actively supervise all operations conducted by employees at that location, as opposed to attempting to oversee several locations, or attempting to work full time as a PCA, while "overseeing" dealer operations remotely?

3. Sales Records / Written Statement / Record / Two Years. 3CCR ' 6562

Scope: Licensed pesticide dealers

Exemptions: Pesticides labeled only for home use.

L Dealers shall maintain records of all agricultural and non-agricultural use pesticides sold or delivered, except for the sale of pesticides labeled only for home use. Ask the designated agent if all pesticide sales records are being maintained for two years from the date of sale. Ask to see the file of pesticides sold as cash sales.

L Ask the designated agent how records are maintained. Select a representative sample of records to review. Are records identified by purchaser name and address? Do they show an Operator Identification Number (or Restricted Materials Permit number) or a statement that no identification number is required?

Do the records show where the pesticide was delivered? Does each pesticide sale include either a written recommendation or a statement on a copy of the customer's invoice that no recommendation was made? For invoices or delivery slips that do not have a statement, attempt to match them with a written recommendation. If discrepancies exist, expand the record review. Dealers must keep copies of the recommendation or statement for two years.

Dual-Use Pesticides

Retail stores that sell restricted materials for any use that requires a permit for possession and use, or which may be used only by or under the supervision of a certified applicator, are required to be licensed. Additionally, any retail stores that sell pesticides labeled for dual uses are required to be licensed as pesticide dealers.

Refer to ENF 90-101- Dealers License Requirement for the Sale of Dual Labeled Pesticides.

Dual-Use Pesticide

The term "dual-use products" refers to those pesticide labels that have use directions for both home and agricultural use. Only licensed pesticide dealers may sell pesticides that have agricultural uses specified on the registered label, regardless of the other uses that

may appear on this labeling. Companies such as Home Depot, Lowe's, and Orchard Supply Hardware must obtain a pesticide dealers license prior to selling pesticides with agricultural uses on the label. They must also comply with all applicable pesticide dealer requirements in FAC §§ 12101 through 12113, and 3CCR §§ 6560 through 6574.

Dual-use products can only be sold to end-users in California by a licensed dealer.
ENF 97-065- Dual-Use and Restricted Material Status of Cooke Gopher Mix and Other Strychnine Products.

Enforcement Letter 90-101(Dealers License Requirement for the Sale of Dual Labeled Pesticides) details enforcement strategies to pursue when businesses are found selling dual-use or agricultural use pesticides.

4. Appropriate Products Sold. 3CCR ' 6564

Scope: Licensed pesticide dealers

Exemptions: None

LNote any pesticide sales or recommendations that are unusual or that deviate from common industry practice. For example, pesticides labeled for agricultural use that were sold to an industrial-type business or large quantities sold for home use. Compare some of the sales records with available labels to see if recommendations for use are consistent with the label.

5. Permits for Restricted Materials / 2 Years. 3CCR ' 6568(a)(b)

Scope: Licensed pesticide dealers selling restricted use pesticides requiring a restricted materials permit.

Exemptions: Out of state sales, and sales to dealers

LDealers must obtain a copy of a Restricted Materials permit prior to the sale of a restricted material.

6. Qualified Applicator Licensee, Qualified Applicator Certificate, or Private Applicator Certificate Statement Available / Two Years. 3CCR ' 6568(b)(e)

Scope: Licensed pesticide dealers selling a Restricted Material listed in section 6400(a) or on the Groundwater Protection List in section 6800(a).

Exemptions: When a Restricted Material permit is on file.

LBefore the sale of a Restricted Material, which is either federally restricted

' 6400(a) or on the Groundwater Protection List ' 6800(a), the dealer must obtain the purchaser's documentation. This documentation may be the license, the certificate or a signed statement.

L The signed statement must include the license or certificate type and number, its date of expiration, the certified applicator's signature and date. A record that indicates delivery to a licensed pest control business will not serve as a signed statement. These records must be maintained for two years.

7. Operator Identification Number / 2 Years. 3CCR ' 6568(c, e)

Scope: Pesticide Dealers.

Exemptions: None

L Prior to the sale or delivery of pesticides listed in ' 6622, the dealer must obtain a copy of the purchaser's Restricted Materials Permit showing all Operator Identification Numbers, or a copy of the form issued to a property operator.

L Cross match sales records with operator identification records. If discrepancies exist, expand the record review. Ask the designated agent if a list of Operator Identification Numbers, with corresponding names of purchasers covering the previous quarter, has been sent to the appropriate county agricultural commissioners who issued the numbers.

L Check that the dealer has kept a copy of each form, permit, or signed statement for 2 years.

8. Groundwater Protection Statement / 2 Years. 3CCR ' 6570

Scope: Licensed pesticide dealers selling ground water protection materials for which pesticide management zones have been established, when the material is intended for agricultural, outdoor institutional or outdoor industrial use.

Exemptions: Out-of-state dealers

L Pesticides listed in ' 6800(a) Groundwater Protection List, that are labeled for agricultural, outdoor institutional or outdoor industrial use, are designated as Restricted Materials. Prior to the sale, the dealer must obtain a statement from the purchaser that identifies whether the intended use will be in or out of a Pesticide Management Zone (PMZ).

L Does the signed statement also include the material purchased, purchaser's signature and date signed? Prior to the delivery of these materials used in a PMZ, the dealer must obtain a copy of a Restricted Materials Permit required pursuant to ' 6416.

L Dealers are required to maintain, by purchaser, records of sales of pesticides listed in ' 6800. Dealers are required to report, on a quarterly basis, all such sales to the Director

and maintain these records for two years. The information to be reported includes the name and address of the purchaser, date of purchase, and materials purchased and quantity.

9. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials" do not need to be stored in a locked enclosure.

L Ask the operator of the property or the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure?

L Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

10. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where containers that hold, or have held, pesticides required to be labeled with the signal words **ADANGER@** or **AWARNING@** are stored.

Exemptions: Storage areas that hold only pesticides required to be labeled with the signal word “CAUTION”. Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials" do not need to be stored in a locked enclosure.

L If **ADANGER@** or **AWARNING@** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

11. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

L Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

12. Service Container Labeling. 3CCR ' 6678

Scope: All containers used to store or transport dilute or concentrated mixtures of pesticides other than the manufacturer's container.

Exemptions: Original labeled containers, containers used by a person engaged in the business of farming when the containers are used on the property the person is farming.

L Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete.

13. Proper Containers. 3CCR ' 6680

Scope: All pesticides stored, transported or used.

Exemptions: None

L If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

14. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants. This section does not apply to containers that are or will be returned to the registrant.

It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

L When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

Pest Control Adviser Records Inspection

Purpose

The records of an Agricultural Pest Control Adviser (PCA) are inspected to determine if the adviser is working within the scope of his/her license and that written recommendations are in compliance with label, content, and record keeping requirements. You should inspect PCA records at the frequency agreed to in your county negotiated work plan. Check the office files for any previous records inspections, noting any non-compliances.

Criteria for Completed Inspections

Record only one inspection is to be recorded per form, DO NOT combine inspection A and B, etc. on the same form. For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099).

Inspection A - Headquarter and Employee Safety Inspection (Production Ag.)

Inspection B – Headquarter and Employee Safety Inspection (Other)

Inspection C – Dealer Records / Storage Inspection

- A completed Pest Control Adviser Records Inspection (Inspection D) includes all applicable criteria items in the “Requirements” section as well as the completion of other pertinent fields such as the Header, Information, Compliance Actions, Remarks (if applicable), and Acknowledgement sections on the form.

NOTE* Advisers must be registered in your county, actively writing recommendations and at the number of recommendations reviewed must be recorded on the form in order to report as a completed Pest Control Adviser Records Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

See General section for additional information on completed inspections.

Requirements

1. **PCA Licensed. FAC ' 12001**

Scope: Persons acting or offering to act as a Pest Control Adviser.

Exemptions: Federal, state agricultural departments, county agricultural commissioners, qualified officials of the University of California Extension service, who put recommendations in writing.

L Is the license valid? Is the adviser's correct address on the license? Record the name and license number on the inspection form.

2. **PCA Registered in County. FAC ' 12002**

Scope: Licensed PCAs making agricultural use recommendations in any county.

Exemptions: None

L Each PCA who makes any recommendation for agricultural use must register in person with the agricultural commissioner in the county listed in the adviser's address on the license. Registration in any additional county may be made by mail or in person, at the discretion of the agricultural commissioner of the additional county.

In the case of PCAs with many recommendations review a representative sampling. While reviewing recommendations, look for any that are for locations outside your county. As a courtesy, notify that county that you did find written recommendations for so that county can verify whether or not the PCA registered to work in that county.

3. **Recommendation in Proper Categories. FAC ' 12054**

Scope: Licensed and registered PCA's.

Exemptions: None

L Review records to determine whether the adviser is making recommendations with the categories as indicated on the license. For example, the PCA must be licensed in Category "G" in order to write a recommendation for the use of a plant growth regulator.

Categories:

D – Vertebrate Pests

A – Insects, Mites and Other Invertebrates
B – Plant Pathogens
C – Nematodes

E – Weed Control
F – Defoliation
G – Plant Growth Regulators

4. Required Information / Copies Furnished. FAC ' 12003, 3CCR ' 6684

Scope: Pest control advisers who offer a recommendation on agricultural pesticide use.

Exemptions: None

L Review a representative sample of written recommendations. Do they contain the required information (Have you got labels to look at for review purposes?) Have label restrictions such as plant backs, disposition of by-products, posting requirements, been noted? Did the adviser add to the recommendation a warning of the known possible damages by the pesticide application?

L PCA's must put all recommendations concerning any agricultural use in writing. A copy of the written recommendation must be furnished to the operator of the property, and to the dealer and applicator prior to application. If the recommendation does not indicate copies are delivered, ask the adviser what procedure he or she uses to assure that growers and dealers receive a signed and dated copy.

5. Recommendations Retained / One Year. FAC ' 12004

Scope: Agricultural Pest control advisers and agricultural pest control businesses.

Exemptions: None.

L Has the adviser retained a copy of each recommendation for one year from the date each was written?

6. Recommendation Criteria. 3CCR ' 6556

Scope: Agricultural pest control advisers.

Exemptions: None.

L Determine if the adviser has included a statement certifying that he or she has considered alternatives and mitigation measures to reduce any adverse environmental effects. What technique or means has the adviser used to determine the need for recommending each application? What information was employed by the adviser to conclude that a treatment was necessary? Examples include sweep counts, detection traps, and university publications.

7. Groundwater Protection Advisories. 3CCR ' 6557

Scope: Pest control advisers recommending use of chemicals listed in ' 6800(a)

Exemptions: None

L Groundwater Advisories must be in writing, when used in a Pesticide Management Zone, specific to a single chemical listed in 6800(a) and must include the following:

- Name and address of owner or operator of the property to be treated.
- Location of each property to be treated, including section, range, township and base meridian
- Basic soil textural class (e.g. sandy loam), for each site on property to be treated.
- Map of the property to be treated, identifying all known areas that could impact the movement of the chemical to ground water, (including abandoned and surface drainage (dry) wells, and irrigation and domestic wells).
- Conditions for the property to be treated in relation to basic soil textural class, irrigation practices, and the location of wells.
- Signature and address of the PCA, date and PCA license number.

L PCA's are required to file written proof of completion of an approved Groundwater Protection Training Program within the past 2 calendar years in each county that advisories are written. PCA's must also retain one copy of each groundwater protection advisory for agricultural, outdoor institutional or outdoor industrial use for 1 year from the date of the advisory, as well as provide 1 copy to the owner or property operator.

8. Complies with Pesticide Labeling. FAC ' 12971

Scope: Licensed Pest Control Advisers

Exemptions: None

L Licensed pest control advisers shall not make recommendations that conflict with the label of the product being recommended

Compare some of the written recommendations to the product labels referenced on the recommendations, check commodity/site, rate, dosage, pre-harvest intervals, if applicable.

9. Safety of Employed Persons. 3CCR ' 6720(d)

Scope: Licensed Agricultural Pest Control Advisers, Registered Foresters, or employees under their direct supervision.

Exemptions: Employees handling consumer products for use by the general public, provided the use is not significantly greater than the typical consumer use of the product. Employees not working under direct supervision of either a licensed PCA, or registered

Forester. Licensed PCAs and Registered Foresters or employees under their direct supervision, who don't meet the full components of this section.

⌞ The provisions of ' 6734 and ' 6768 (Decontamination), ' 6726 and ' 6766 (Emergency Medical Care), ' 6736 (Coveralls), ' 6738(b-i) (Personal Protective Equipment), and ' 6770 (Field Re-entry) do not apply to licensed pest control advisers and Registered Foresters, or employees under their direct supervision after an application is completed while:

- Performing crop adviser tasks, including field checking or scouting
- Making observations of plants
- Taking samples

Provided:

⌞ They have been trained equivalent to ' 6724, and either the licensed PCA or Registered Forester has:

- Made specific determinations regarding PPE, decontamination facilities, and how to conduct crop adviser tasks safely
- Informed each employee of the pesticide, the active ingredient, method and time of application, restricted entry interval
- Instructed each employee, which tasks to perform, and how to make contact with the licensed PCA or Registered Forester

Ask the Pest Control Adviser if he/she has any employees under your direct supervision. If so, do you require them to wear PPE? Do you allow them to enter treated fields? How do you determine what PPE to wear? How do you notify or inform the employees under your supervision about the pesticides used, REI, etc.?

Chapter 10: Pest Control Records Inspections – Agricultural / Structural Pest Control Business (PR-ENF-110)

Headquarter and Employee Safety Inspections

Purpose

This inspection is conducted to determine the level of compliance of growers (production agriculture) and pesticide users in “other” categories, (such as golf courses, schools, parks departments, etc.) with licensing/certification, Structural Pest Control Companies, the Restricted Materials Permit program, record keeping, and pesticide use reporting requirements.

Another purpose is to determine whether employers who have employees handling pesticides are in compliance with applicable worker safety requirements. Property operators with workers entering treated fields are inspected for compliance with fieldworker safety requirements. These requirements include advanced notice of pesticide applications, arrangement for emergency medical care, and the maintenance of re-entry records and completion notices.

Headquarter and Employee Safety Inspections are also conducted as a follow-up to various Use Monitoring inspections in which worker safety non-compliances have been documented. More frequent inspections of growers and pesticide users in “other” categories are justified when non-compliances have been noted in other inspections of the same firm or business during the past year. A high enforcement profile should result in improved work and safety habits, as well as improve the record keeping functions of growers and other categories of pesticide users.

Headquarters and Employee Safety Inspections should only be conducted when the employer has employees handling pesticides, working in treated areas, or treated fields. You should conduct a “Headquarter and Employee Safety Inspection” of a grower or pesticide user in “other” categories at a frequency agreed to in the negotiated work plan

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/03):

- A completed Headquarter and Employee Safety Inspection for an **Agricultural Pest Control Business (PCB)** includes all applicable criteria items listed in

Section A.

- A completed Licensed Pest Control Business Records / Storage Inspection for an **Agricultural Pest Control Business (PCB)** includes all applicable criteria items listed in Section C.
- A completed Headquarter and Employee Safety Inspection for a Structural **Pest Control Business (PCB)** includes all applicable criteria items listed in Section B.
- A completed Licensed Pest Control Business Records / Storage Inspection for a **Structural Pest Control Business (PCB)** includes all applicable criteria items listed in Section D.
- **See General section for additional information on completed inspections.**

Note* If a Headquarter and Employee Safety Inspection, and a Licensed Pest Control Business Records/Storage Inspection are conducted on the same form, on the same day, the criteria items listed under “Pesticide Storage” need only be filled out once. It can be filled out on either inspection for either an Agricultural Pest Control Business or a Structural Pest Control Business. Put an “X” through the block of criteria items under the inspection not filled out. You may record a completed inspection on the Pesticide Regulatory Activities Monthly Report, for both a Headquarter and Employee Safety Inspection, and for a licensed Pest Control Business Records/Storage Inspection so long as the pesticide storage criteria items are checked on either of the inspections.

Requirements

1. **Notice Prior to Pesticide Application. 3CCR ' 6618**

Scope: All property operators and Pest Control Businesses.

Exemptions: Structural PCB's in compliance with B & P Code ' 8538, and public agencies in compliance with FAC ' 12978. Persons who make or supervise the application. A separate notice of application is not required when a field is posted unless the label requires both oral notice and posting of the treated field.

L This requirement also applies to non-production agriculture (6618c)

L Each person performing pest control must notify the operator of the property before any pesticide is applied. The operator of the property must notify all persons (especially employees) who are likely to enter. The notice must be adequate to advise of the nature of the pesticide and the precautions to follow. Some examples of precautions to follow include re-entry intervals required by

labeling or regulation, protective clothing requirements for early entry and activities prohibited in a treated field while a re-entry interval is in effect.

2. Emergency Medical Care Planned. 3CCR ' 6726

Scope: All employers of pesticide handlers

Exemptions: Owners and non-employee handlers. Pest Control Advisers and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L Emergency medical care is not required if only granular baits, attractants or repellants in traps have been applied in a field. Pesticide applications by vector control agencies are exempt.

L If only algaecides have been used to treat the irrigation system or if pesticides have been injected into plants, emergency medical care is not required.

L Employers shall arrange for emergency medical care before employees handle pesticides. Is there a signed letter or agreement from a medical facility to the grower/firm/business to indicate such arrangements have been established? What proof is there to indicate "pre-arranged" emergency medical care?

L An employer must make arrangements with a medical care facility to provide emergency medical care for employees entering treated fields and handlers. These arrangements must be planned for in advance. Ask the employer whether arrangements have been made.

Labor contractors are also responsible for planning in advance emergency medical care for their employees who enter treated fields. This requirement should be addressed during a Fieldworker Safety Inspection.

L Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate as is the displaying of "911." Medical information may provide the necessary information to the employee when it is in an employee's wallet or in the glove compartment of the work vehicle. However, it is not posted and does not meet the requirements.

3. Change Area. 3CCR ' 6732

Scope: Employers of persons who regularly handle any pesticides in commercial or research production of an agricultural plant commodity. This section also

applies to employees who regularly handle pesticides with **ADANGER** or **AWARNING** on the label in any setting.

Exemptions: Owners and non-employees.

L The employer must assure that there is at the place where employees end exposure and remove personal protective equipment, an area where they can change clothes and wash themselves. The employer must make available clean towels, soap and sufficient water for thorough washing. The employer must provide a clean storage area for personal clothes.

4. Proper Storage of Personal Protective Equipment (PPE). 3CCR ' 6738(a)

Scope: Employers of persons who handle any pesticides.

Exemptions: Owners and non-employees handling pesticides, but remember, they are not exempt from label requirements for PPE use. PCA's and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L Employers must provide safety equipment, and require that it is kept in a clean, specially designated place when not in use. Examples of proper storage are lockers or assigned tote bags. Equipment left on the floor, or stuffed under the seat of a mix or load vehicle is not considered proper storage. In addition, a pesticide storage area is not a proper place for storage of safety equipment. PPE must be kept separate from personal clothing.

L Employers must provide for the daily inspection and cleaning of all required PPE, and repair or replace any worn, damaged, or heavily contaminated PPE. In addition, employers must keep and wash potentially contaminated PPE from other clothing or laundry. They must assure that any person or firm assigned or hired to clean or repair potentially contaminated PPE is protected and informed.

Hazard Communication / Training Program

5. Hazard Communication for Pesticide Handlers. 3CCR ' 6723

Scope: Employers of pesticide handlers.

Exemptions: Employers in compliance with Title 8, CCR - see ' 6720(c) in which anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, **exempt materials** or pool and spa chemicals are handled.

L Employers must display a copy of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at a central location at the workplace before

employees are allowed to handle pesticides. Employers must also maintain at a central workplace location the following:

- Pesticide use records for pesticides handled by employees
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records
- Material Safety Data Sheet (MSDS) for each pesticide handled by employees

└ Employers must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee or employee representative.

└ Review employee training records, pesticide use records, and pesticide use reports to identify the pesticides handled, before determining whether an employer is maintaining the appropriate MSDS.

6. Trainer Qualified / Written Program. 3CCR ' 6724

Scope: Employers of pesticide handlers.

Exemptions: Owners and non-employees. Employers of certified applicators and licensed PCAs.

└ A trainer is required to be “qualified” when:
Conducting training for employees handling pesticides for the commercial or research production of an agricultural commodity

└ A person conducting training for employees handling pesticides for commercial or research production of an agricultural commodity shall be qualified as one of the following:

- California certified commercial applicator
- California certified private applicator
- California licensed Pest Control Adviser
- California registered Professional Forester
- Farm Advisor employed by the University of CA (UC), Coop Extension
- County biologist holding a license in Pesticide Regulation, or Investigation and Environmental Monitoring, issued by the Department of Food and Agriculture
- Person who has completed an “instructor trainer” program presented by UC, Integrated Pest Management Program (after 1/1/93) or
Other instructor training programs approved by the Director

└ The employer’s training program shall describe the materials (e.g. study guides, pamphlets, slides, PSIS), and information that will be provided and used to train employees, and identify the person or firm that will provide the training. An individual’s training record does not constitute a written training program.

└ The employer shall maintain a copy of the training program while in use, and for two years after use, at a central workplace location.

7. Required Topics. 3CCR ' 6724(b)

Scope: Employers of pesticide handlers.

Exemptions: Owners, and non-employees. Employers of certified applicators, and licensed PCAs.

└ Training shall cover the following:

- Format and meaning of information contained on a pesticide product label
- Hazards of pesticides, such as acute and chronic effects
- Routes, by which pesticides can enter the body
- Signs and symptoms of overexposure
- Emergency first aid for pesticide overexposure
- How to obtain emergency medical care
- Routine and emergency decontamination procedures
- Information about personal protective equipment
- Information about heat-related illness
- Safety requirements and procedures related to pesticides
- Environmental concerns

└ Training shall cover the following:

- Warnings about taking pesticides or pesticide containers home
- MSDS, PSIS
- Medical supervision requirements for “Warning” and “Danger” organophosphates and carbamates
- Location of Hazard Communication Information (e.g. PSIS, MSDS, A-8)
- Employee’s rights

└ Based on the employer’s response to questions and a review of the training records, did the employer address all of the topics sufficiently? Documentation of training does not necessarily mean an employer has properly trained his or her employees. Was the training adequate? The training must be pesticide specific, unless the subject matter of training can group pesticides.

8. Training Prior to Handling. 3CCR ' 6724(d)

Scope: Employers of pesticide handlers.

Exemptions: Owners and non-employees. Employers of certified applicators and licensed Pest Control Advisers.

Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12 month period) thereafter. Initial training may be waived if employees submit a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. Pesticide safety training may only be conducted by a person who meets the qualifications included in 3CCR ' 6724.

The training shall include responses to questions. It shall be completed before the employee handles pesticides, continually updated and repeated at least annually. Training may be waived upon submission of a record of applicable training within the last year. A certified applicator is deemed to be trained.

9. Training Records Available / Complete / 2 Years. 3CCR ' 6724(e)

Scope: Employers of pesticide handlers.

Exemptions: Owners, and non-employees. Employers of certified applicators and licensed Pest Control Advisers.

Employers must record the date and time of training and the job assigned to the employee. Records must be kept for two years in a central workplace location accessible to employees.

Are there completed, signed and dated training records for employees who handle pesticides? The training record must be signed by the employee, but it no longer needs to be signed by the employer and trainer. Are the training records current? Compare training records to pesticide use records to assure each employee has received training on each pesticide or chemically similar group of pesticides used

Compare the date of application on the pesticide use records, including use records required under ' 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

Respiratory Protection Program

10. Written Operating Procedures. 3CCR ' 6738(h)(3)

Scope: Employers of persons wearing respirators when required by pesticide label or regulations.

Exemption: Owners and non-employees. Pest Control Advisers; see 3CCR ' 6738 (b)-(i)

└ Employers must provide and assure the use of label-required or regulation-required respiratory equipment. Employers shall assure that written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting, and maintaining respiratory protective equipment are adopted. Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment.

└ For more information regarding respiratory protection, including a sample of written operating procedures, refer to Pesticide Safety Information Series (PSIS) Leaflet A-5, "Respiratory Protection".

└ Ask the employer how fit testing is conducted. Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

11. Emergency Use Respirators. 3CCR ' 6738(h)(5)

Scope: Employers of persons wearing respirators required by pesticide labels or regulations. .

Exemptions: Owners and non-employees. Pest Control Advisers; see 3CCR ' 6738(b) - (i).

└ Respirators maintained for stand-by or emergency use are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

└ Look for the required documentation to indicate any stand-by respirators have been inspected regularly.

12. Medical Condition Statement - 3CCR ' 6738(h)(6)

Scope: Employers of persons handling pesticides that require respiratory protection or that is required by regulations.

Exemptions: Owners and non-employees. Pest Control Advisers; see 3CCR ' 6738(b)-(i).

└ The employer must inform an employee, prior to beginning work, that certain medical conditions (heart disease, high blood pressure, lung disease, or perforated ear drum), may interfere with wearing a respirator while engaged in potential pesticide exposure situations.

└ Ask to see a Medical Conditions Statement for each employee assigned to performing work that requires wearing a respirator. If an employee has a medical condition, has that person been evaluated by a physician? If so, does the

employer have a copy of the physician's report on file? PSIS A-5 "Respiratory Protection" contains an Employee Statement of Medical Condition.

Medical Supervision Program

13. Use Records Retained / 3 Years. 3CCR ' 6728(a)

Scope: Employers of persons who handle organophosphate and carbamate pesticides with the signal word **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only "CAUTION" organophosphate or carbamate pesticides are handled.

L The employer must keep records that identify the name of the employee, the name of the pesticide and the date of use. This information must be collected in order to ascertain whether or not employees are subject to the requirements of medical supervision. This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years.

14. Doctor's Agreement Available / 3 Years. 3CCR ' 6728(b)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only "CAUTION" organophosphate or carbamate pesticides are handled.

L When employees regularly handle **ADANGER@** or **AWARNING@** organophosphates or carbamates, the employer must have a written agreement stating that a physician has agreed to provide medical supervision.

L This agreement must include the names and addresses of the employer and the physician, as well as a statement that the physician possesses a copy and is aware of the contents of the "Medical Supervision of Pesticide Workers - Guidelines for Physicians.@ This document is available from the Department of Health Services or local county health departments. A copy of this agreement must also be given to the commissioner. This agreement to provide medical supervision, all recommendations and test results, must be maintained for three years.

L "Regularly handle" means that an employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling.

⌞ While exclusively using a closed system or water-soluble packets the time spent is not included for any employee who has a baseline blood cholinesterase level established pursuant to ' 6728(c)(1).

15. Recommendations / Test Results / 3 Years. 3CCR ' 6728(c)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word ⒶDANGER@ or ⒶWARNING@ on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only “CAUTION” organophosphates or carbamate pesticides are handled.

⌞ For employees who regularly handle ⒶDANGER@ or ⒶWARNING@ organophosphates or carbamates, employers must have established baseline red cell and plasma cholinesterase levels. Baseline values must be verified every two years.

⌞ In addition to the baseline determination, new employees are required to have cholinesterase tests within three working days following the conclusion of each of the first three 30-day periods in which ⒶDANGER@ or ⒶWARNING@ organophosphates or carbamates were regularly handled.

⌞ Further continued periodic monitoring for all covered employees, excluding those who mix or load ⒶDANGER@ or ⒶWARNING@ organophosphates or carbamates exclusively through a closed system, or those mixing pesticides sealed in water-soluble packets, will be at the recommendation of the Medical Supervisor. When no written recommendations for periodic monitoring have been made, the testing interval shall be every 60 days.

⌞ All written recommendations of the Medical Supervisor, as well as all test results must be maintained at the employer's headquarters for three years.

⌞ The initial requirements for medical supervision were changed because it has been demonstrated that new employees, due to inexperience in handling pesticides, are exposed more. Routine testing of these employees will hopefully identify those who need to correct faulty work practices.

16. Medical Supervision Posting. 3CCR ' 6728(c)(5)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with the signal word ⒶDANGER@ or ⒶWARNING@ on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees, when only “CAUTION” organophosphate or carbamate pesticides are handled.

Ⓙ The name, address, and phone number of the Medical Supervisor must be posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the Emergency Medical Care posting requirement.

Pesticide Storage

17. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemption: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

Ⓙ The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

Ⓙ Ask the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the **Manual of Procedural Guidance for Pesticide Enforcement Personnel**.

18. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words **ⒶDANGER** or **ⒶWARNING** are stored.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

L If **ADANGER** or **AWARNING** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

L Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

19. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

L Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

20. Service Container Labeling. 3CCR ' 6678

Scope: All containers used to store or transport dilute or concentrated mixtures of pesticides other than the manufacturer's container.

Exemptions: Original labeled containers, containers used by persons engaged in the business of farming when on that person's property.

L Service containers are used by both private applicators and commercial operators to hold, store, and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site, all of the pesticide mix is used during the application and the equipment is cleaned before the applicator leaves or transports the equipment, no service container labeling is required.

21. Proper Containers. 3CCR ' 6680

Scope: All pesticides in storage, transported or being used.

Exemptions: None

└ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

22. Containers Properly Rinsed - 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

└ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

└ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers.

This is not allowed in California.

Licensed Pest Control Business Records / Storage Inspection

Purpose

This inspection is to determine the licensing and registration status, record keeping conformity, and proper supervision of applications by a qualified person. Agricultural pest control businesses (PCBs) include Maintenance Gardeners Businesses (MGBs). Structural Pest Control Businesses include those companies classified as Branch I, II, or III.

Prior to conducting the inspection, check county office records for registration information, previous inspections, and use reporting. Note any recent deficiencies.

Pest Control Business Records / Storage Inspections should be conducted at the frequency determined in your county negotiated work plan and as often as needed based on the compliance history of the company.

Pesticide Storage

The pesticide storage area is inspected to determine whether or not a person has control over his or her pesticide containers, stores them properly, and identifies the storage site with signs. He or she must store pesticides, partial and empty containers, in a manner where they do not present a hazard to persons, animal food, feed, crops or property.

Note* Review previous storage inspection records, and restricted materials listed on permits maintained by Ag. PCBs. If you are inspecting a storage site at an Ag. PCB, review and note the categories in which the Qualified Applicator is certified to operate.

If you are inspecting a storage site at a Structural PCB, note the pesticides stored in relation to the type of license held by the Structural PCB. Empty containers in storage are indications of use; review the sites or crops on the labels of pesticides to monthly pesticide use reports submitted to your county.

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/03):

- A completed Headquarter and Employee Safety Inspection for an **Agricultural Pest Control Business (PCB)** includes all applicable criteria items listed in Section A. Include all applicable criteria items listed in Storage Inspection.

- A completed Headquarter and Employee Safety Inspection for **Structural Pest Control Business (PCB)** includes all applicable criteria items listed in Section B. Include all applicable criteria items listed in Storage Inspection.

NOTE* This form will allow dual inspections of a Structural PCB which also possesses an Agricultural PCB license.

Note* If a Headquarter and Employee Safety Inspection, and a Licensed Pest Control Business Records/Storage Inspection are conducted on the same form, on the same day, the criteria items listed under “Pesticide Storage” need only be filled out once. It can be filled out on either inspection for either an Agricultural Pest Control Business or a Structural Pest Control Business. Put an “X” through the block of criteria items under the inspection not filled out. You may record a completed inspection on the Pesticide Regulatory Activities Monthly Report, for both a Headquarter and Employee Safety Inspection, and for a licensed Pest Control Business Records/Storage Inspection so long as the pesticide storage criteria items are checked on either of the inspections.

Requirements

1. **Business Licensed. FAC ' 11701**

Scope: All persons performing pest control for hire.

Exemptions: Structural pest control, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood in a permanent treatment plant, pest control incidental to new construction or landscaping, preservative treatment of fabrics or structural materials, household or industrial sanitation, seed treatment incidental to a persons regular business, live capture of vertebrates, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon.

L Check for a valid business license issued by the California Department of Pesticide Regulation. Both principal (main) and branch pest control business locations must be currently licensed. A Branch location is any office in addition to the principal office that engages in pest control business activities for the company; which is also applicable to maintenance gardeners.

A person who has a business license in the Maintenance Gardener category must provide proof that the pest control conducted is incidental to the primary business of maintenance gardening.

2. **Business Registered in County. FAC ' 11732**

Scope: Equipment used in pest control for hire.

Exemptions: Structural PCBs.

└ Both principal (main), and branch pest control business locations must register in each county where work is performed. Check for proper registration. Does the registration show the business name and address? Is each piece of application equipment shown? Is the registrant aware of county permit conditions, etc.?

3. Work Supervised by Qualified Person. FAC ' 11701.5

Scope: All businesses licensed by DPR to perform pest control for hire.

Exemptions: Structural pest control, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood in a permanent treatment plant, pest control incidental to new construction or landscaping, preservative treatment of fabrics or structural materials, household or industrial sanitation, seed treatment incidental to a person's regular business, live capture of vertebrates, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon. A qualified applicator can supervise more than one location under certain conditions.

└ Every principal (main) and branch location must have at least one person in a supervisory position that holds a Qualified Applicator License in the proper categories. Maintenance Gardeners must hold a valid Qualified Applicator License or a Qualified Applicator Certificate in Category "Q". Check the individual's card for the expiration date. Is the person licensed in the same categories as the work being performed? Take note of applications that are not covered by the Qualified Applicator's License or Certificate.

4. Pilot(s) Hold a Valid Certificate. FAC ' 11901

Scope: Any person operating an aircraft for the purpose of pest control.

Exemptions: None

└ Determine if pilot certificates are valid. Do all pilots hold either Journeyman or Apprentice Certificates?

5. Pilot(s) Registered in County. FAC ' 11920

Scope: Person acting as a pest control aircraft pilot in any county.

Exemptions: None.

└ Pilots must be registered in each county in which they work. Check for proper registration. Are apprentice certificate holders supervised by a Journeyman Pilot? The Journeyman Pilot named on the apprentice pilot's county registration must be currently registered with that county.

6. Written Recommendation Retained / One Year. FAC ' 12004

Scope: Pest Control Businesses applying agricultural use pesticides that require a permit, or applying other pesticides for which a written recommendation has been provided.

Exemptions: None.

└ Has the pest control business retained a copy of each recommendation for one year? Is a written recommendation available for each agricultural use of a material requiring a permit? Match a sample of use records containing Restricted Materials with the written recommendations. If deficiencies are observed, expand the cross-matching procedure.

7. Valid Permits for Restricted Materials. 3CCR ' 6412 and ' 6632

Scope: Pest control businesses applying restricted use pesticides that require a permit.

Exemptions: Structural operators, and pesticides that do not require a permit.

└ Does the pest control business have copies of a valid agricultural use Restricted Materials Permits? Did the pest control business possess and operate in accordance with permit conditions? Reference 3CCR ' 6426(b)

8. Application Completion Records / Two Years. 3CCR ' 6619

Scope: Agricultural Pest Control Businesses using pesticides for the production of an agricultural commodity.

Exemptions: Non-production agricultural and non-agricultural pest control applications.

└ An agricultural pest control business must notify the operator of the treated property, within 24 hours of the completion of the pesticide application when applying pesticides for the production of an agricultural commodity. If the operator of the property will not be available to receive the notice, they must identify, in writing, the method that the business may use to provide such notification. The business must keep a copy of this notification method for two years.

They must also keep a record documenting the name of the property operator; location of the property, including site ID number; date and time notice was given; and method of notification. Review the records; do they contain the required information?

9. Pesticide Use Records Kept / Two Years. 3CCR ' 6624

Scope: Any person engaged for hire in the business of pest control. Persons using pesticides for an agricultural use or for industrial post harvest commodity treatment. Persons using pesticides listed in 3CCR ' 6800(b) for outdoor industrial or institutional use, or listed in 3CCR ' 6400 (Restricted Materials) for any use.

Exemptions: Persons using pesticides on livestock.

L Pest control businesses must maintain records of each pesticide use and retain these records for two years. The required information is listed in 3CCR ' 6624. Review the records for completeness. Do they contain all the required information? Production agricultural use records also require the:

- Location of the property treated by county, section, range, township, base and meridian;
- Hour the treatment was completed;
- Operator Identification Number;
- Site Identification Number;
- Total planted acreage or units at the site; and
- Identity of the handler and supervisor.

10. Pesticide Use Reports Submitted. 3CCR ' 6626-6628
Production Agriculture Monthly Pesticide Use Report (' 6626)
Monthly Summary Pesticide Use Report (' 6627)
Negative Pesticide Use Reports (' 6628)

Scope: ' 6626: Property operators producing agricultural commodities. Pest Control Businesses applying pesticides for the production of an agriculture commodity.

Scope: ' 6627: PCBs applying pesticides to properties other those producing an agricultural commodity, and persons using pesticides:

- For an agricultural use
- Classified as a restricted material
- For industrial post-harvest commodity treatment
- Listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Scope: ' 6628: Agricultural and Structural PCBs.

Exemptions: Persons using pesticides on livestock; in the sales area of retail nurseries. Public agencies (e.g. Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. Persons applying pool chemicals for pool service companies.

L Pest Control Businesses for hire must report pesticide use to the commissioner where work was done. When no pest control work was performed during a particular month PCBs must submit a negative report. A copy of the report must also be submitted to the property operator within 30 days of the application.

L Agricultural pest control businesses that are not applying pesticides for the production of an agricultural commodity and Structural Pest Control Companies shall report all pesticide applications by the 10th day of the next month. The businesses can report the pesticide use on the Monthly Summary Pesticide Use Report (Form 39-060) or on a form approved by the Department.

L Did the business complete the pesticide use reports properly? Did the business use the correct State form or a form approved by the Department? If a pest control business did not perform pest control during a given month, did the business submit a report stating this fact? This is a good opportunity to discuss reporting errors with the responsible person.

11. Annual Notification Submitted. FAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) and performing structural pest control in the county.

Exemptions: None

L Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file.

The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

12. Pesticide Use Records Available. FAC ' 15205

Scope: All registered structural pest control companies.

Exemptions: None

L Did the Structural Pest Control Company have available, and allow you to inspect records pertaining to pesticide use (i.e. training records, employee safety records, application records) at the place of business during regular business hours?

13. Fumigation Log / 3 Years. 16CCR ' 1970(a)

Scope: All registered Branch 1 companies

Exemptions: None

Registered structural pest control companies must maintain for two years, a log or report for each fumigation job and for each pest control operation. The fumigation log shall contain the following information:

- Name and address of the prime contractor, and the subcontractor, if any
- Address of property
- Name of owner or agent
- Type of structure as to details of roofing and walls
- Cubic feet fumigated
- Target pests
- Kind of fumigants used
- Name of warning agent and amount used. Type of sealing method used
- Weather conditions as to temperature and wind
- Time gas introduced (date and hour)
- Name of licensee making final test
- Names of crew at fumigation; and at opening
- Time fire department was notified, when required by local ordinance
- Time police department was notified, when required by local ordinance
- Time ready for occupancy
- Signature of licensed operator or the field representative in charge

Registered Branch 1 companies are required to maintain a log of each fumigation job performed.

14. Pesticide Use Records / Kept 3 Years. 16CCR ' 1970(b)

Scope: All registered structural pest control companies.

Exemptions: None

The report for each pest control operation *other than fumigation* in which a pesticide was used shall contain the following information:

- Date of treatment
- Name of owner or agent
- Address of property
- Total area treated
- Target pests
- Pesticide and amount used
- Identity of person or persons who applied the pesticides

These records must include all the information specified in this section, according to application type, and may be maintained as a log or report. A company is in compliance with the requirements of 16CCR ' 1970(b) if copies of service contracts, invoices, route slips, or service tickets include all of the required information and are maintained for three years.

15. Notice to Occupant. B&P Code ' 8538

Scope: All registered structural pest control companies

Exemptions: None

L The written notice must be provided to the owner/agent and the occupant by mail, posting or personal delivery prior to the application. Ask the licensee to see the "Written Notice to Occupants" and ask how they are delivered.

The notice must include the following information:

- The pest(s) to be controlled
- The pesticide(s) proposed to be used and the active ingredients(s)
- A standard health cautionary statement and contact information
- The frequency of service, if a contract has been made for periodic service

In the case of external pest control at multiple family dwellings with 5 or more units, the notice shall be posted in heavily frequented, highly visible areas, such as mailboxes, the manager's apartment, all laundry rooms and community rooms. In complexes with fewer than 5 units, each unit must be notified. Any pest control to be done within a tenant's unit requires that the tenant be notified directly.

Pesticide Storage

16. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

L Ask the operator of the property or the business operator where pesticides are stored. If the company has more than one storage area at different locations, a

separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

L “Attended” means a responsible person present in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, a person must have pesticides in sight. The materials listed in 3CCR ' 6402 (Exempt Materials) are also exempted from storage requirements under 3CCR ' 6686(b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

L “Enclosure” means a truck or trailer with side racks, the top of which is a minimum height of six feet above the ground, a lockable storage compartment, or a locked, fenced area.

17. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words **ADANGER@** or **AWARNING@** are stored.

Exemptions: Pesticides with the signal word “CAUTION”. Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

L If **ADANGER@** or **AWARNING@** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet? Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

L Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

Ⓙ Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. The sign shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

18. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

Ⓙ Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

19. Service Container Labeling. 3CCR ' 6678

Scope: Containers, other than the original container, which hold pesticides for storage or transport.

Exemptions: Original labeled containers, containers used by persons engaged in the business of farming when on that person's property.

Ⓙ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site, all of the pesticide mix is used during the application and the equipment is cleaned before the applicator leaves or transports the equipment, no service container is required.

20. Proper Containers. 3CCR ' 6680

Scope: All pesticides in storage, transported or being used.

Exemptions: None

└ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

21. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers, which have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

└ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

└ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers.

This is not allowed in California.